

**IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

CA No. 1132/98(F)

D.C. Walasmulla No.84/L

Subasinghe Kattandige Chandradasa.

Defendant-Appellant

Vs.

Kadukannage Umawathie

Plaintiff-Respondent

C.A. No. 1132/98(F)

D.C. Walasmulla Case No. 84/L

Before : K.T. Chitrasiri, J.

Counsel : Daya Guruge with Premani Pothupitiya for
the Defendant-Appellant.

Lakshan Livera for the Substituted-Plaintiff-
Respondent.

Argued &
Decided on : 05.02.2013.

K.T. Chitrasiri, J.

Both Counsel made submissions on their respective cases. Argument concluded.

At this stage Mr. Guruge moves to withdraw the appeal provided the plaintiff-respondent waive the damages awarded to the plaintiff-respondent by the learned District Judge in his judgment dated 30.10.1998. Having considered the circumstances, Counsel for the plaintiff-respondent agrees to waive the aforesaid damages awarded to the plaintiff by the impugned judgment.

In view of the above agreement and submissions made by both the counsel, the Court allows the application for withdrawal and accordingly the appeal is dismissed. However, having considered the submissions of the learned counsel for the plaintiff-respondent the order to pay damages to the plaintiff by the defendant is set aside.

Accordingly, the appeal is dismissed but the plaintiff-respondent is not entitled for the damages awarded in the judgment dated 30.10.1998.

Subject to the above variation, the appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

AKN