

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

**C.A. No. 215/98(F)**

D.C. Colombo Case No. 8125/RE

Ven. Habarakada Samitha Thero  
Sri Wikramasinharamaya,  
No: 36,  
Seelarathana Lane,  
Aramaya Road,  
Colombo 09.

**Petitioner**

**Vs.**

Srimathi Wijethunga  
No: 35/9D1,  
Seelarathana Lane,  
Aramaya Road,  
Dematagoda.

**2<sup>nd</sup> Defendant-Appellant-Respondent**

Niunhlla Podi Appuhamilage Somapala  
No: 35/9D1,  
Seelarathana Lane,  
Aramaya Road,  
Dematagoda.

**1<sup>st</sup> Defendant- Respondent -Respondent**

C.A. No. 215/98(F)

D.C. Colombo Case No. 8125/RE

Before : K.T. Chitrasiri, J.

Counsel : Lanka Deepani for the 2<sup>nd</sup> Defendant-Appellant.

Chandra Perera for the Plaintiff-Respondent.

Argued &  
Decided on : 07.02.2013.

\*\*\*\*\*

K. T. Chitrasiri, J.

Counsel for the 2<sup>nd</sup> Defendant Appellant moves to withdraw this appeal. Application to withdraw the appeal is allowed. Accordingly the appeal is dismissed without costs.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

AKN