

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

C.A. No. 1124/98(F)

D.C. Mt. Lavinia No. 532/96/T

Manel Dias
No: 76/4,
Vijerama Road,
Udahamulla,
Nugegoda.

Respondent-Appellant

Vs.

Sarath Samson Dias
No: 18/8,
Walawwatte Road,
Gangodawila,
Nugegoda.

Petitioner-Respondent

C.A. No. 1124/98(F)

D.C. Mt. Lavinia No. 532/96/T.

Before : **K.T. Chitrasiri, J.**

Counsel : Parties are absent and unrepresented.

Decided on : 13.02.2013.

K.T. Chitrasiri, J.

Mr. Rohan Sahabandu President's Counsel informs Court that he has no instructions from the Appellant to appear today and further submits that he has already returned the brief to the appellant.

Mr. Wijithsingh who had been appearing for the Respondent informs Court that the Respondent has passed away in the year 2004. The appellant has not taken steps to substitute the heirs of the respondent since 2004.

The above circumstances show that the appellants are not prosecuting the appeal diligently. In the circumstances Court makes an order abating the appeal. In view of this order the proceedings in this Court are terminated.

Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

AKN