

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

CA 1206/98

DC(Galle)12809/L

Kankani Arachchige Piyasena
Paththini Gewatte,
Piriwena Road,
Sandarawela,
Baddegama.

Defendent Appellant

Vs.

Rev.Kolmas Edwed Godwin Weerasooriya
No: 368/02,
Buddhaloka Mawatha,
Colombo 07.

Complainant Respondent

CA1206/98

DC(Galle)12809/L

Before : **K.T. Chitrasiri,J**
Counsel : Manori Pathirana for the
Plaintiff – Respondent.
Defendant – Appellant is
absent and unrepresented.
Argued &
Decided on : **19.02.2013**

K.T. Chitrasiri, J

When this matter was mentioned on 26.06.2012, it was brought to the notice of court that the defendant - appellant has expired. Counsel for the respondent also confirms this fact. The Registrar of this court has sent a notice to the registered attorney of the defendant-appellant as well, informing him that this matter would be taken up for argument today. He is also not present in court.

It must be noted that this appeal cannot be taken up for argument without substituting the heirs of the appellant in the room of the deceased defendant-appellant. Neither the heirs of the appellant nor the registered attorney of the appellant is taking steps to substitute the heirs of the defendant-appellant in the room of the deceased defendant. Accordingly court makes an order abating the appeal.

Registrar is directed to send the original record back to the District Court of Galle enabling the learned District Judge to take necessary steps, having kept the original record for two months in this court. In view of the above order made, abating the appeal, proceedings in this court are terminated.

Proceedings terminated.

Judge of the Court of Appeal

Na/-