

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

**C.A.No. 715/98 (F)**

D.C.Tangalle No.3024/P

Vagachchige Jemis  
Kandegedara,  
Udugalmowe,  
Nihiluwa.

**3<sup>rd</sup> Defendant Appellant**

**Vs.**

Dani Liyana Pathirana  
Mahagoda,  
Udugalmowe,  
Nihiluwa.

**Complainant Respondent**

**C.A.No.715/98 (F)**

**D.C.Tangalle No.3024/P**

Before : K.T.Chitrasiri,J.

Counsel : Parties are absent and unrepresented.

Argued and  
Decided on : 01.03.2013.

**K.T.Chitrasiri J.**

When this matter was mentioned for the first time in this Court on 22/11/2011, it was brought to the notice of Court that the plaintiff – respondent has expired. Thereafter on 11.06.2012 it was informed to Court by the Attorney-at-law for the appellant that two other respondents also had expired in the year 2011. No steps have been taken to substitute the heirs of the deceased-respondents. Today, neither the appellant nor any Attorney is present in Court on his behalf. Without effecting the substitution in the room of the deceased parties, this appeal cannot be proceeded with. The appellant has not taken steps to substitute the heirs of the deceased parties. Accordingly, Court makes an order abating the appeal.

Registrar of this Court is directed to keep the original record in this court for a period of 2 months from today and thereafter to send the same to the District Court of Tangalle for necessary action.

In these circumstances, appeal is abated and accordingly, the proceedings in this Court are terminated.

*Proceedings terminated.*

**JUDGE OF THE COURT OF APPEAL**

**WC/-**