

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

**CA Appeal No. 1145/98(F)**

D.C. Mt.Lavinia Case No. 305/96/RE

Buddhika Indrajith Kurukulasuriya  
No. 41,  
Sri Soratha Mawatha,  
Gangodawila,  
Nugegoda.

**Plaintiff-Appellant**

**Vs.**

Wilson Wimalaratne  
No. 123/4,  
G.H. Perera Mawatha,  
Boralessgamuwa.  
(Deceased)

**Defendant-Respondent**

Mrs. W. Wimalaratne  
No. 123/4,  
G.H. Perera Mawatha,  
Boralessgamuwa.

**Substituted Defendant-Respondent**

**C.A 1145/98 (F).**

**D.C.Mt-Lavinia 305/96/RE**

Before : K.T.Chitrasiri, J.

Counsel : Plaintiff –Appellant is present in court .  
Rohana Jayawardena for the Plaintiff –Appellant.

Substituted Defendant-Respondent is present in  
Court.  
A.K.Chandrakantha for the Substituted  
Defendant- Respondent.

Argued &

Decided on : 07.03.2013.

**K.T.Chitrasiri, J.**

Both counsel submit that the parties who are present in court today have come to a settlement of the dispute in this case. Accordingly, the terms of settlement are :-

- (1) The Substituted-Defendant-Respondent agrees to vacate the premises referred to in the schedule to the plaint dated 02.08.1996 on or before 10.11.2013 and to handover the vacant possession of the same to the Plaintiff – Appellant.

- (2) In view of the above agreement of the Substituted-Defendant - Respondent the Plaintiff -Appellant agrees to pay Rs.300,000/- to the Substituted -Defendant-Respondent. He further agrees to deposit the said Rs.300,000/- on or before 10.09.2013 in the District Court of Mt-Lavinia to be credited into this case.
- (3) The Substituted Defendant-Respondent is entitled to withdraw the said Rs.300,000/- soon after she vacates the premises in suit.
- (4) If the Plaintiff-Appellant fails to deposit Rs.300,000/- as agreed, the impugned judgment entered in this case shall stand as it is.
- (5) If the Substituted Defendant-Respondent fails to vacate the premises as agreed, the Plaintiff -Appellant is entitled to obtain possession of the premises in suit obtaining writ of possession to do so provided he has deposited Rs.300,000/- as agreed.

Subject to the above terms and conditions, this appeal is dismissed. Parties sign the record having accepted the aforesaid terms and conditions of settlement.

*Appeal dismissed without costs.*

**JUDGE OF THE COURT OF APPEAL**

Vkg/-