

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

**CA Appeal No. 795/98 (F)**

DC Kalutara No. 3840/MR

W.D. Wijedasa  
Pothuwila Road,  
Payagala South.

W.D. Ajith Upananda  
Pothuwila,  
Payagala.

**Appellants**

**Vs.**

E. Abeywikrama Weerasinghe  
No: 239,  
H-3 Perera Road,  
Horagolla,  
Ganemulla.

**Respondent**

**C.A. Appeal No. 795/98 (F) - D.C. Kalutara No. 3840/MR**

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

Counsel : Chandana Liyanapatabendy P.C. with  
Harshana Ranasinghe for the Defendant-  
Appellants.

N.R. Sivendran with M.P. Manatunga and T.  
Sivanandaraja for the Plaintiff-Respondent.

Argued &  
Decided on : 21.03.2013.

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

Both Counsel submit that the dispute in this case is now settled between the parties in accordance with the terms of settlement mentioned herein below:

(1) The two defendants jointly and severally agree to pay Rs. One Million Two Hundred Thousand (Rs. 1,200,000/-) as full and final settlement of the decree, entered by the learned District Judge in this case.

(2) In view of the above suggestion the plaintiff-respondent agrees to accept the sum of Rs. One Million Two Hundred Thousand (Rs. 1,200,000/-) as full and final settlement of his claim in this case.

(3) Mr. Chandana Liyanabatabendy President's Counsel who is looking after the interest of the Sri Lanka Insurance Corporation as well, undertakes to ensure the aforesaid payment be made by the Sri Lanka Insurance Corporation Limited since the Insurance Corporation is the insurer of the vehicle involved in the accident where the plaintiff was injured.

(4) The aforesaid sum of Rs. One Million Two Hundred Thousand (Rs. 1,200,000/-) is to be paid within a period of one month from today and the cheque for the said amount to be written in the name of the plaintiff-respondent and to be sent it to the Registered Attorney namely Thavanesan & Fernando of the plaintiff under registered cover.

Accordingly, this appeal is dismissed subject to the terms and conditions referred to above.

*Appeal dismissed without costs.*

**JUDGE OF THE COURT OF APPEAL**

/mds