

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

C.A. Appeal No. 375/98 (F)

D.C. Marawila No. 722/M

W. Antony Fonseka
Kelin Jadiya West,
Wennapuwa.

Defendant

Vs.

K.R.M. Harischandra
Mahagedara,
Lunuwila.

Respondent

C.A. Appeal No. 375/98 (F) - D.C. Marawila No. 722/M

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

Counsel : Parties are absent and unrepresented.

Decided on : 28.03.2013.

K.T. Chitrasiri, J.

Parties are absent and unrepresented.

Both the appellant and the respondent had not come to this court on any one of the occasions even though several notices had been sent by the Registrar of this Court under registered cover directing them to be present in this Court. Even after the last date, Registrar in compliance with the directive made by this Court had sent notices on both parties and their Registered Attorneys under registered cover. They are not present in Court even today.

In the circumstances, it is seen that the appellant is not prosecuting this appeal diligently.

I have looked at the impugned judgment dated 21.5.1998 and observe that the impugned judgment is to recover only Rs. 15,000/- and the legal interest thereto from the defendant-appellant. The judgment had been delivered on the basis of a cheque issued in favour of the plaintiff by the defendant. Clear evidence is available to decide that the aforesaid cheque had been issued by the defendant using a cheque bearing No. 1248 D. from his account.

In the circumstances, I do not see any reason to interfere with the impugned judgment of the learned District Judge. For the aforesaid reasons this appeal dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

/mds