

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

Peiris Wimalasuriya,
Paramahankada,
Passara.

Plaintiff

C.A. No. 880 / 2000 F

Vs.

D.C. Badulla No. 2221/96/ M

Hewa Kasakara Annakkage Indrasiri,
No. 524, Main Street,
Passara.

Defendant

AND NOW BETWEEN

Peiris Wimalasuriya,
Paramahankada,
Passara.

Plaintiff Appellant

Vs

Hewa Kasakara Annakkage Indrasiri,
No. 524, Main Street,
Passara.

Defendant Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Plaintiff Appellant – Absent and unrepresented
Kashyapa Perera for the Defendant Respondent

ARGUED ON : 29.11.2012

DECIDED ON : 02.04.2013

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted the said action against the Defendant Respondent (hereinafter referred to as the Respondent) in the District Court of Badulla seeking to recover a sum of Rs. 1250000/-. The Appellant has averred in his plaint that said sum was due on four cheques produced marked P 1 to P 4. The Respondent has filed an answer praying for a dismissal of the Appellant's action on the basis that no consideration has been passed upon the said cheques and the Appellant was a professional money lender. The case proceeded to trial on 10 issues. After trial the learned District Judge has dismissed the Appellant's action. Being aggrieved by the said judgment dated 07.11.2000 the Appellant has appealed to this court.

At the trial the Appellant has given evidence. But he has failed to call witnesses to prove the genuineness of the four cheques.

When I consider the evidence of the Appellant I am of the view that the learned District Judge has rightly concluded that the Appellant was not entitled for a judgment as prayed for in the plaint.

In the said circumstances I see no reason to interfere with the said judgement of the learned District Judge dated 07.11.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal