

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

C.A. 1216/98(F)

D.C. Galle Case No: 10673/P

Kahaduwa Kankanamge Wickramapala
Ganegoda,
Akmeemana.

Complainant-Appellant

Vs.

Margret Wickramanayake
Victor Wickramanayake Bare,
Narawala,
Poddala.

Hewagamage Kulasena
Ambalanwatte,
Galle.

Indrasena Withanarachchi
Bo Gaha Junction,
Narawala.

Amarasiri Wickramanayake
Sirilena,
Kuruduwatte,
Alahanduwa.

Defendant-Respondents

C.A. 1216/98(F) D.C. Galle Case No: 10673/P

Before : K.T. Chitrasiri,J.

Counsel : Parties are absent and unrepresented.

Decided on : 03.05.2013

K.T. Chitrsiri,J.

When this matter was taken up on 15.02.2013, it has been noted that the 1st Defendant-Respondent had passed away. The notice sent to the 2nd Defendant-Respondent had been returned with an endorsement that the address is insufficient. Notice sent to the Registered Attorney of the 2nd Defendant-Respondent had been returned stating that he also has passed away. Notice sent to the Registered Attorney Mr. S.A. Farook of the plaintiff- appellant also had been returned with an endorsement that he had passed away. Thereafter a notice had been sent to the appellant once again by the Registrar of this Court directing him to appear in this Court today. The said notice sent to the appellant also is returned with an endorsement that he is dead.

Accordingly it is clear, that this matter cannot be taken up for argument. In these circumstances this Court makes an order abating the appeal.

Appeal is abated. Accordingly, these proceedings are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

Jmr/-