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

CA 255/99(F)

D.C. Colombo Case No: 3030

M.M. Gunapala Kithsiri Hardware Stores, Station Road, Higurakgoda.

Appellant

Vs.

The Finance (Pvt) Ltd 3rd Floor, No: 69, Janadipathi Mawatha, Colombo 01.

Respondent

C.A. 255/99(F)

D.C. Colombo Case No: 3030

BEFORE

A.W.A. Salam,J. &

Sunil Rajapakshe, J.

COUNSEL

W. Dayaratne PC for the Plaintiff-

Appellant.

Ravindra Mahindaratna for

the

Defendant-Respondent.

DECIDED ON:

03.04.2013

A.W.A. Salam, J.

The Plaintiff-Appellant (Plaintiff) has filed the present appeal challenging the propriety of the judgment dismissing the plaintiff's action. Basically the action of the plaintiff is for declaration that the is the owner of the vehicle in question which is the subject matter of a Higher Purchase Agreement and an order to re-possess the same. In addition the plaintiff also prayed for damages in a sum of Rs: 300,000 and further damages at the rate of 15,000/- per month from 11.01.1989. The learned District Judge at the conclusion of the trial had

dismissed the action based on the ground that the vehicle in question had never been seized by the defendant and that the appellant has failed to establish that he has suffered damages as a result of the vehicle being handed over to the defendant by the appellant. Having perused the entirety of the judgment and the approach adopted by the learned District Judge, it appears that the findings of the learned District Judge on the issues are consistent with the evidence led at the trial. As such I do not see any grounds which merit in favour of the appellant. Hence this appeal stands dismissed without costs.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakse, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-