

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

**CA 583/99(F)**

D.C. Kalutara Case No: MR/3756

Sri Lanka Insurance Co-operation  
No: 21,  
Vockshol Road,  
Colombo 02.

**Appellant**

**Vs.**

M.V. Dulawathi Perera

And 04 others

**Respondent**

C.A.583/99(F)

D.C. Kalutara Case No: MR/3756

BEFORE : A.W.A. Salam,J.&  
Sunil Rajapakshe,J.

COUNSEL : Deshani Jayatilaka(Manager legal Sri  
Lanka Insurance Corporation) for the  
Defendants-Appelants.

Rasik Zarook PC with Rohana Deshapriya  
and Chanakya Liyanage for the 1<sup>st</sup> and  
2<sup>nd</sup> Respondent-Respondent.

Malaka Herath for the Plaintiff-  
Respondent.

DECIDED ON : 03.04.2013

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A.W.A. Salam,J.

Counsel for the 3<sup>rd</sup> Defendant-Appellant moves to have  
this appeal withdrawn without costs.

Counsel for the Plaintiff-Respondent and the 2<sup>nd</sup> and 3<sup>rd</sup>  
Defendant-Respondent have no objection to the application.  
Notwithstanding the withdrawal of the appeal preferred by the  
3<sup>rd</sup> Defendant-Appellant, the Plaintiff under takes to have

satisfaction of decree entered if the plaintiff is paid back the amount of money deposited by the 3<sup>rd</sup> Defendant-Appellant during the period of writ pending appeal together with the interest accrued on that amount until the date of payment. Accordingly the appeal is dismissed without costs in both courts, subject to the above conditions.

Parties agree that the record can be sent to the District Court of Kalutara forthwith and accordingly the Registrar is directed to send the record to the District Court of Kalutara within a week.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-