

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

C.A.643/98 (F)

D.C.Ratnapura No. 5436/P

Pallage Arachchilage Sirisena
Epitawala,
Kiriella.

6th Defendant Appellant

Vs.

Pallage Arachchilage Lihinin Sinyo
Epitawala,
Kiriella.

Complainant Respondent

C.A.643/98(F)

D.C.Ratnapura No. 5436/P

Before : K.T.Chitrasiri, J.

Counsel : Appellant is absent and unrepresented.
Shantha Karunadara for the Plaintiff-
Respondent.

Argued &
Decided on : 07.05.2013

K.T.Chitrasiri, J.

When this matter was mentioned on the last occasion namely 15.02.2013 Counsel for the Appellant has undertaken to file substitution papers in order to substitute the heirs of the deceased 3rd Plaintiff-Respondent. Furthermore, journal entry dated 16.10.12 indicates that the 1st and the 4th plaintiff-respondents are also dead.

Appellant is not present in Court today neither an appearance on his behalf is marked. Therefore, it is clear, that the appellant is not prosecuting this appeal diligently.

In these circumstances Court makes order abating the appeal. Appeal abated. Accordingly, proceedings in this appeal are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

KLP/-