

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

**C.A. 946/96(F)**

D.C. Avissawella Case No. 17804/L

Athukoralalage Don Aladin  
Mawathagama,  
Padukka.

**DEFENDENT – APPELLANT**

**Vs.**

Ariyapala Gunasekara Aththanayake  
No: 229,  
Jalthara,  
Ranala.

**COMPLAINANT – RESPONDENT**

C.A. 946/96(F) : D.C. Avissawella Case No. 17804/L

Before : Upaly Abeyrathne,J.

Counsel : Defendant-Appellant is absent and unrepresented

Decided on : 07.05.2013

Upaly Abeyrathne,J.

Learned counsel for the Appellant informs Court that she has no instructions to appear in this case. It appears from the minutes that the Plaintiff-Respondent has died and the Defendant-Appellant has been noticed to take steps for substitution. But Appellant has failed to take necessary steps for the purpose of prosecuting this appeal. In the said circumstances, I dismiss the appeal of the Appellant without costs.

Registrar is directed to send the main case record to the relevant District Court.

JUDGE OF THE COURT OF APPEAL

Cr/-