

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

C.A. 736/98 (F)

D.C. Marawila Case No: 271/P

H.M. Jagath Sarath Kumara Herath
Matikotuwa,
Dankotuwa.

Complainant Appellant

Vs.

H.M. Thomas Priyantha Herath

H.M. Dushshantha Chandra Kumara Herath

Both Are

Sadasarana Mawatha,
Thamarakuliya,
Dankotuwa.

Defendant Respondent

C.A. 736/98 (F)

D.C. Marawila Case No: 271/P

BEFORE : K.T. Chitrasiri, J.

COUNSEL : Ajith Munasinghe for the Plaintiff-Appellant.
Rohan Sahabandu PC with H. Amarasinghe for the
Defendant-Respondent.

ARGUED &

DECIDED ON : 17.05.2013

K.T. Chitrasiri, J.

Appellant and the 2nd Defendant-Respondent is present in Court. Counsel for the Appellant moves to withdraw this appeal reserving his right to file another partition action in respect of the land sought to be partitioned in this case. Counsel for the Respondent has no objection to this application. Application for the withdrawal of the appeal is allowed. Accordingly, this appeal is dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

NR/-