

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

CA 124/98 (F)

DC/Kuliyapitiya/1 063 7 /P

1. Amarakoon Mudiyanseelage Jayawardhana
"Amarawila "
No.1 /71,
Padeniya Road,
Kobeigane.

2. Abeyakoon Pathiranalage Premawathie Manike
"Amarawila No. 1/71,
Padeniya Road,
Kobeigane.

Defendant Appellants

Vs.

Amarakoon Mudiyanseelage Ariyawathie
Karagahagedara Post,
Bogahapitiya.

Substituted Plaintiff Respondent

CA 124/98 (F)

D.C. Kuliypitiya Case No: 10637/P

BEFORE : K.T. Chitrasiri, J

COUNSEL :Rohan Sahabandu PC with Hasitha Amarasinghe for the Defendant-Appellants.

M.C Jayarathne with M.D.J. Bandara for the Substituted Plaintiff-Respondent.

Substituted Plaintiff-Respondent and 1st and 2nd Defendant-Appellants are present in Court.

ARGUED &

DECIDED ON: 21.05.2013.

K.T. Chitrasiri, J

Both Counsel submit that the dispute in this case is now settled between the parties in accordance with the terms mentioned hereinbelow.

1. Allocation of shares as decided by the learned District Judge is to remain intact.
2. The building marked "D" in the preliminary plan 681 is to be allocated to the 2nd Defendant-Appellant.
3. The building marked "E" in the aforesaid plan 681 is to be allocated to the substituted Plaintiff-Respondent.

4. The appurtenant land, other than the land to the North to the said buildings, should also be given to the respective persons who are given the two buildings.
5. Division of the land sought to be partitioned should be to have a boundary running from North to the South on the center of the land dividing the land into two strips of lands.
6. The land to the East should be given to the substituted Plaintiff-Respondent who is to have the house "E" and the land to the West should be given to the 2nd Defendant-Appellant who is to be given the house "D".

The Parties who are present in Court sign the record consenting to the aforesaid terms of settlement. The blocking out plan should be prepared in accordance with the aforesaid terms of settlement.

In view of the above settlement, the proceedings in this Court are terminated.

Registrar of this Court is directed to send the original record back to the District Court of Kuliyaipitiya forthwith.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL.

NR/-