

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

CA (PHC) 231/2009

P.H.C. Rathnapura No. WA 15/2009.

Wasantha Rasika Saman Weerakoon
No: 3A,
Gurubalkada Road,
Kuruwita.

Petitioner

Vs.

Provincial Counsel
Kuruwita.

And others

Respondents

C.A. (PHC) 231/2009 - P.H.C. Rathnapura No. WA 15/2009.

Before : **A.W.A. Salam, J. &**
Sunil Rajapakshe, J.

Counsel : L.A. Pathiravithana for 1st 2nd & 3rd Petitioner-
Appellants.

4th Petitioner-appellant is absent and
unrepresented.

T. Waragoda for the 1st and 2nd Respondent-
Respondents

Argued &

Decided : 06.05.2013.

A.W.A. Salam, J.

Counsel heard in support of the application for
substitution in place of the deceased 2nd petitioner-appellant namely
Shantha Chals Weerakoon.

On perusal of the said application and being satisfied as to
the prayer to the petition Wasantha Rasika Saman Weerakoon is appointed
as substituted 2A petitioner-appellant.

Counsel for the 1st petitioner-appellant, 2A substituted-petitioner-appellant and 3rd petitioner-appellant moves to have the appeal withdrawn. Counsel for the respondent has no objection but moves for costs. Applications of the 1st petitioner-appellant, 2A substituted-petitioner-appellant and 3rd petitioner-appellant are allowed to be withdrawn and accordingly appeal dismissed subject to the payment of tax cost.

4th petitioner-appellant is absent and unrepresented. As regards the appeal preferred by the 4th petitioner-appellant, the Registrar is directed to prepare the appeal briefs and notify the parties.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL.

/mds