

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

Case No. **C.A. 949/96 (F)**

D.C. Kurunegala Case No. 1345/P

1. Agallalage Haramanis (deceased),
2. Agallalage Piyarathne,

Kiriwanpola,
Maharachchimulla.

Plaintiff

Agallalage Gunapala,
Maldeniya,
Alawwa.

Substituted- Plaintiff-Appellant-Petitioner

-Vs-

1. Agallalage Baby Nona,
Maldeniya,
Alawwa.
2. Agallalage Lilawathie,
Kapuwarala,
Alawwa.
3. Agallalage Gunapala,
Maldeniya.
4. Agallalage Sarnelis,
Maldeniya,
Alawwa.
5. (Deceased) Agallalage Janthuwa

- 5.a. Agallalage Dayarathne,
Maldeniya,
Alawwa.
- 6. (Deceased) Agallalage Laisa alias Pinthiya
- 6.a. W.P. Gunawathie
Ihalakalugala,
Beligala.
- 7. (Deceased) Agallalage Podineris
Maldeniya, Alawwa.
- 8. (Deceased) H. Puransina

Defendant-Respondent-Respondents

- a. Agallalage Kusumawathie
- b. Agallalage Thilakarathne
- c. Agallalage Premadasa
- d. Agallalage Pushpakumara
- e. Agallalage Thilakawathie
- f. Agallalage Rupawathie
- g. Agallalage Cyril Jayarathne
- h. Agallalage Dharmasiri
- i. Agallalage Nimal Oharmasiri Harischandra
- j. Agallalage Ranjith Weerasinghe

All of Maldeniya,
Alawwa.

Respondents.

C.A. 949/1996

D.C. Kurunegala Case No: 1345/P.

BEFORE : A.W.A. Salam, J.
Sunil Rajapakshe, J.

COUNSEL :B. Gamage for the Appellant.
L.S. Gayani for the Substituted Defendant-Respondent.

DECIDED ON : 02.05.2013

A.W.A. Salam, J.

Counsel for the Respondent raises a preliminary objection as to the maintainability of the appeal, in as much as the appeal has been filed out of time. Counsel for the Appellant concedes that the appeal has been filed out of time by one day and states that he would abide by any order the Court makes on the preliminary objections. As the petition of the appeal has been admittedly filed out of time, we up hold the preliminary objection and dismiss the appeal.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL

NR/-