

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

C.A. Appeal No. **C.A. 362/94**

D.C. Trincomalee Case No. L/110

1. Joseph Francis Jeyrajan
2. Lilly Rex Jeyrajan

both of

No. 9,
Woodland Way,
Surbiton,
KT59QZ,
U.K.

Petitioners

Vs.

Mrs. M.C.R. Philips,
No. 4920, Rathi Keala Road,
Mississauga,
Ontario,
LSV2E9,
Canada.

Formerly of

No: 14,
Alwis Perera Mawatha,
Katubedde,
Sri Lanka.

Respondent

C.A. No. 362.94(F)

D.C. Trincomalee Case No. 110/L

Before : **Upaly Abeyrathne, J.**

Counsel : Rohan Sahabandu, P.C., with S. Kumarawadu for
the Plaintiff-Appellant.

No appearance for the Respondent.

Argued &

Decided on : 13.05.2013.

Upaly Abeyrathne, J.

Counsel appears for the Appellant informs Court that the appellant has died. She further informs that the heirs of the appellant has not responded to her letters. She further informs that the Respondent also has died. Considering the said circumstances since the heirs of appellant have not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal I dismiss the appeal of the appellant without costs.

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

Appeal dismissed.

Judge of the Court of Appeal

AKN