

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

C.A. No. 917/2000(F)

D.C. Kuliypitiya Case No. 12072/Ejectment

Mohomed Naheer
No: 44,
Municipal Council Housing Scheme,
Church Ground,
Kuliypitiya.

Appellant

Vs.

U.Irantha Silva
Assadduwa,
Kuliypitiya.

Respondent

C.A. No. 917/2000(F)

D.C. Kuliypitiya Case

No. 12072/Ejectment

Before : **Upaly Abeyrathne, J.**
Counsel : Buddika Gamage appears for the
Plaintiff-Respondent.

Argued &

Decided on : 22.05.2013.

Upaly Abeyrathne, J.

Learned Counsel for the Respondent informs Court that the defendant-appellant Ahamed Lebbe Mohamed Thahir has died. Learned Counsel has produced the death certificate in proof of the said death of the defendant-appellant. It appears from the docket that the heirs of the deceased defendant-appellant has not taken steps to substitute themselves in place of the deceased defendant-appellant. Since they 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. Appeal dismissed.

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

JUDGE OF THE COURT OF APPEAL

AKN