

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

C.A. No. 1042/2000(F)

D.C. Walasmulla Case No. 42/L

D.C. Tangalle Case No. 2339/L

Punchi Hewage Migoris

Harewatte,

Pansalagoda,

Mulgirigala.

Defendant-Appellant

Vs.

Rev. Heenbunne Punyasiri Thero

Raja Maha Viharaya,

Mulgirigala.

Complainant Respondent

C.A. No. 1042/2000(F)

D.C. Walasmulla Case No. 42/L

D.C. Tangalle Case No. 2339/L.

Before : **Upaly Abeyrathne, J.**

Counsel : Appellant is absent and unrepresented.

Decided on : 07.06.2013.

Upaly Abeyrathne, J.

Learned Counsel informed Court that Heenbunne Punnasiri Thero the Plaintiff-Respondent has expired. The learned Counsel produced the death certificate of the Plaintiff-Respondent. I have perused the said death certificate bearing No. 1105 issued by Dr. Upali Senasekera District Registrar. According to the minutes dated 28.2.2013 Appellant and his Attorney on record have been noticed to file papers for substitution. Since the heirs of the appellant has 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