

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

C.A.No.1137/2000 (F)

D.C.Homagama NNo.2857/L

Gress Jayaweera
No: 82/3,
Sapumal Place,
Nugegoda.

Complainant Appellant

Vs.

Sarath Chithra Wijesuriya
No:124/B/8,
Rukmalgama Housing Scheme,
Kottawa.

Defendant -Respondent

C.A.No.1137/2000 (F)

D.C.Homagama NNo.2857/L.

Before : Upaly Abeyrathne,J.

Counsel : Appellant is absent and unrepresented.
H.W. Jayatissa for the Respondent.

Argued and

Decided on : 10.06.2013.

Upaly Abeyrathne,J.

According to the minutes dated 18/01/2012 counsel for the appellant has informed Court that the appellant has died. Thereafter several dates have been granted to file papers for substitution. It appears that the heirs of the appellant has not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the said circumstances, the appeal of the appellant is dismissed.

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

JUDGE OF THE COURT OF APPEAL.

WC/-