

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

C.A 882/98 F

D.C. Kurunegala 4616/P

A.A. Guarathne
Parabawila,
Pothuhera.

Appellant

Vs.

A.A. Amararathne
Parabawila,
Pothuhera.

Respondent

C.A 882/98 F**D.C. Kurunegala 4616/P****Before: K.T.Chitrasiri, J.**Counsel: K.J. Jinasena for the 6th Defendant-Appellant and for the 2nd Defendant-Respondent.

D. Akurugoda with D.W. Edirisooriya for the 10 (A) Substituted-Defendant-Respondent.

A.W. Bandula Wellala for all the Plaintiff-Respondents.

S.A Trimanna for the 9th Defendant-Respondent.

Argued &

Decided on : 09.07.2013.

K.T.CHITRASIRI, J.

Counsel for the 6th defendant-appellant submits that he is restricting this appeal to the way in which the shares were allocated to the parties concerned by the Learned District Judge in his judgment dated 04.09.1998. Accordingly, he submits that it is wrong to have allocated additional 9/32 shares to the 2nd defendant for the reason that the total of the fractions of shares does not come to one unit.

Having considered the above submissions, learned counsel appearing for all the parties concede that it is wrong to allocate 9/32 shares along with 15/32 shares to the 2nd defendant-respondent. Counsel for all parties further submit that it is confusing to mention that “ 2 වන පැමිණිලිකරුට පර්චස් 8ක් අඩුවට and ” 6 වන විත්තිකරුට පර්චස් 4ක් අඩුවට “ having allocated 12 perches of land to the 9th defendant.

Having considered the aforesaid mistakes made by the learned District Judge, all the parties agree to amend the share allocation and to have it corrected the same in the following manner.

9th defendant is to be allocated 12 perches of land

The balance land to be allotted to read as:

To the 1st Plaintiff - 6/32 shares from the land.

To the 2nd Plaintiff- 3/32 shares from the land.

To the 3rd Plaintiff - 4/32 shares from the land.

To the 2nd Defendant- 15/32 shares from the land.

To the 6th Defendant - 4/32 shares from the land.

Accordingly, this court makes an order to amend the allocation of shares in the judgment in accordance with the manner referred to above. Learned District Judge is directed to amend the allocation of shares and to enter interlocutory decree accordingly.

In view of the above settlement arrived at by the parties, the proceedings in this appeal are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL.

Vkg/-