

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

C.A 956/98 F

D.C. Gampaha 28457/L

P.H.A. Wilson
Mangalathiriya,
Kalagedihena.

Appellant

Vs.

D.A. Seelawathie
Mangalathiriya,
Kalagedihena.

Respondent

C.A 956/98 F

D.C. Gampaha 28457/L

Before: K.T.Chitrasiri, J.

1st Defendant-Appellant is present in court.

Substituted Plaintiff –Respondent is present in court.

Counsel: Lal Matarage instructed by Tissa Karunaratne for the Defendant-Appellants.

P.K. Prince Perera with Laxman Samarathunga for the Substituted Plaintiff –Respondent.

Argued &

Decided on : 11.07.2013.

K.T.CHITRASIRI, J.

Both counsel submit that the dispute in this case is settled among the parties on the following terms.

- (1) Defendant-appellants agree to give a 3 feet wide road along the northern boundary of the land possessed by the defendant-appellants for the plaintiff –respondent to use. The land possessed by the defendant-appellants is shown in plan 3806/☉ prepared by K.G. Hubert Perera Licensed Survey and was surveyed on 29.05.1987.
- (2) In view of the above agreement, the plaintiff –respondent will not have the right to use the road way shown in dotted lines

in the said plan though the impugned decision of the learned District Judge is to that effect.

(3) The road way to be given to the plaintiff -respondent as suggested today, should be demarcated at the expense of the plaintiff-respondent having obtained services of a Licensed Surveyor.

(4) The demarcation of the road way should be made having given sufficient notice to the defendant-appellants of the survey.

The learned District Judge is directed to enter decree in terms of the settlement recorded herein above.

In view of the above settlement the proceedings in this court are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL.

Vkg/-