

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

**Court of Appeal Case No. 969 /98 (F)**

DC Colombo case No: 16586/L

Sithy Fathima Zeenia Saleem Nee Noordeen,  
Presently of,  
No.09,  
Letworth Road,  
Luton Lur 2 Nu,  
London U.K.

**Plaintiff**

**Vs.**

Sithy Hafeela Alias, Noorul Hinaya Mohideen  
(Wife of Mohamed Abdul Carder Mohideen)  
No. 26/1,  
5th Lane,  
Kollupitiya,  
Colombo 03.

**Defendant**

**CA 969/98 (F)**

**D.C. COLOMBO 16586/L**

**Before** : K.T. Chitrasiri, J.

**Counsel** : Upul Kumarapperuma with Chandrika Silva,  
Udumbara Dassanayake and Sanjeevani  
Samarakoon for the Defendant- Appellant.

N.M.Shaheid with M.S.M.Fahim and Nishani  
Godellawatte for the Plaintiff- Respondent.

**Argued &**

**Decided on:** 05.07.2013.

**K.T. CHITRASIRI, J.**

Learned Counsel for the defendant-appellant referring to the authorities in relation to Muhammadan Law submits that he is not in a position to proceed with this appeal. He further submits that the defendant had been living at this premises for 50 odd years and they are still living in that premises.

Having considered those circumstances, Counsel for the plaintiff-respondent agrees not to execute the writ for a period of one year

commencing from today, allowing the defendant either to purchase the property or for him to find another place.

In view of the said agreement Counsel for the appellant moves to withdraw this appeal. Application for withdrawal is allowed. Accordingly, the appeal is dismissed without cost.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL.

Mm/-.