

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

CA 365/99 (F)

DC MT. LAVINIA 33/98/DRM

Mass Marketing (Pvt) Ltd

No: 160,

Minuwangoda Road,

Ekala,

Ja-Ela.

Defendant Appellant

Vs.

People's Bank

No: 75,

Sri Chiththampalam Gardneer Mawatha,

Colombo 02.

Complainant Respondent

CA 365/99 (F)

DC MT. LAVINIA 33/98/DRM

BEFORE: H.N.J. Perera, J.

COUNSEL: Defendant-Appellant is absent and unrepresented.
Rasika Dissanayake for the Plaintiff-Respondent.

DECIDED ON: 09.07.2013.

H.N.J. Perera, J.

Defendant-Appellant is absent and unrepresented. The notice have been served on the Defendant-Appellant by registered post. He is not present in Court. Counsel for the Plaintiff-Respondent moves that this appeal be dismissed and also submits that this appeal cannot be maintained in this court as there is no right of appeal from the impugned order made by the learned District Judge of Mt. Lavinia. It appears to this court that the appellant has failed to exercise due diligence to prosecute this appeal. Accordingly, this appeal is dismissed.

Registrar is directed to send a copy of this order with the original case record to the District Court of Mr. Lavinia.

JUDGE OF THE COURT OF APPEAL.

Mm/-.