

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

Court of Appeal No: CA 1120/98(F)

D.C. Kandy Case No: 11690/P

1. Sinhala Pedi Gedara Gunadasa,
2. Doluwe Naranwala Gedara Ukku Amma,

both of Hathanapitiya, Rathmeewala,
Menikdivela.

Plaintiffs

Vs.

1. Rathmeewala Jayasinghe Gedara Seelawathie,
2. Ranhawadi Gedara Saranelis

both of Kotal igoda, Rathmeewala,
Menikdivela.

Defendants

AND BETWEEN

Rathmeewala Jayasinghe Gedara Seelawathie
Kotaligoda, Rathmeewala,
Menikdivela .

1st Defendant-Appellant

Vs.

1. Sinhala Pedi Gedara Gunadasa

1st Plaintiff-Respondent

1a. Sinhala Pedigedara Chandra Leelawathie,
Gurugama, Muruthalawa.

1b. Sinhala Pedigedara Rathnakumari Irangani,

1c. Sinhala Pedigedara Maheshika Priyanthi
Kumari Rathnakala,

1d. Sinhala Pedigedara Nilanthi Ramyakumari
Priyadarshani

All 03 of Sea Filedwatta, 7th Mile Post,
Mawathagama.

1e. S.B. Samurdhi Hiromala Kulathilake,
173F, Udarathmeewala, Menikdivela.

1f. Egoda Jayamangalage Hemalatha,
No.173, Udarathmeewala, Menikdivela.

Substituted-1st Plaintiff-Respondents

2. Doluwe Naranwala Gedara Ukku Amma

2nd Plaintiff -Respondent

2. Sinhala Pedigedara Chandra Leelawathie,
Gurugama, Muruthalawa.

2b Sinhala Pedigedara Rathnakumari Irangani,

2c Sinhala Pedigedara Maheshika Priyanthi
Kumari Rathnakala,

2d. Sinhala Pedigedara Nilanthi Ramyakumari
Priyadarshani

All 03 of Sea Filedwatta, 7th Mile Post,
Mawathagama.

2e. S.B. Samurdhi Hiromala Kulathilake,
173F, Udarathmeewala,
Menikdivela.

2f. Egoda Jayamangalage Hemalatha,
No.173, Udarathmeewala,
Menikdivela.

Substituted-2nd Plaintiff - Respondents

3. Ranhawadi Gedara Saranelis
Kotaligoda, Rathmeewala,
Menikdivela.

Defendant-Respondent

Ranhawadi Gedara Gnanaratne,
No.724/34, New Housing Complex,
Shanthal okagama,
Athurugiriya.

Substituted-2nd Defendant-Respondent

C.A 1120/98 (F)**D.C Kandy 11690/P.****Before: K.T.Chitrasiri, J.**Counsel: Ranjith D. Perera for the 1st Defendant-Appellant.Sarath Gunawardena for the 1(a), 1(b), 1(c) and 1(d)
Plaintiff-Respondents.

S.Cooray for the 2(e) and 2(f) Plaintiff-Respondents.

Argued &

Decided on : 19.07.2013.

K.T.CHITRASIRI, J.

Counsel for the Appellant concedes that in view of the amendment to the Partition Act No: 17 of 1997, the appellant should have filed a leave to appeal application to challenge the impugned order dated 09.12.1998. In this instance the appellant has chosen to file a final appeal. Therefore, learned counsel for the appellant moves to withdraw this appeal. Application for withdrawal is allowed. Accordingly the appeal is dismissed without costs.

*Appeal dismissed.***JUDGE OF THE COURT OF APPEAL.**

Vkg/-