

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

C.A. No. 234/2000(F)

D.C. Kurunegala Case No. 4300/P

R. Priyawathie,
Uyandana,
Hindagolla.

Petitioner

Vs.

R. Anulawathie,
Uyandana,
Hindagolla.

Respondent

C.A. Appeal No.234/2000(F)- D.C. Kurunegala No. 4300/P/94

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

Counsel : Lasitha Chaminda with Mihiri Abeyrathne for the
4th Defendant-Appellant.

S.N. Vijithsinghe for the 5A Defendant-
Respondent.

Argued &

Decided on : 29.07.2013.

K.T. Chitrasiri, J.

Learned counsel for the 5A defendant-respondent brings to the notice of court that a decision had already been made by this court in a revision application filed by the 4th defendant-appellant herself challenging the same decision which is being canvassed in this appeal. A certified copy of the said judgment is being tendered to Court by the learned counsel for the respondent.

Upon perusal of the said judgment, it is seen that this court has made a decision in the Case bearing No. C.A. 904/2000 where an application had been made to canvass the judgment and the interlocutory decree entered on 10.11.1999 in the case bearing No. 4300/P filed in the District Court of Kurunegala.

The appeal at hand also has been filed to challenge the same judgment dated 10/11/1999 made in the case bearing No. 4300/P filed in the District Court of Kurunegala. The judgment in the Revision application (C.A. 904/2000) which is being tendered to court today is handed over to the learned counsel for the appellant for perusal. He concedes that the application made in the revision application is also to revise and set aside the judgment and interlocutory decree entered in the case bearing No. 4300/P

In the circumstances, it is clear that this court has already delivered a judgment in another application made to this court to challenge the judgment which is being canvassed in this appeal. Therefore this court has no jurisdiction to consider the same issue in this appeal. Accordingly the appeal is dismissed without costs.

The Registrar is directed to file the document which contains the judgment delivered in the case bearing No. C.A. 904/2000, into this docket.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

/mds