

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

C.A. Appeal No.900/98(F)

D.C. Kurunegala No. 3416/P

Pushpa Henayalage Sitti
Hidakaral Pokuna,
Padeniya.

Appellant

Vs.

P.H. Kira
Rathmale,
Awlegama.

Respondents

C.A. Appeal No.900/98(F) - D.C. Kurunegala No. 3416/P

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

Counsel : A.A.M.Ilyas with R. Abeysinghe for the 11A substituted Defendant-Appellant.
P. Peramunagama for the Substituted Plaintiff-Respondent
Thilak Wijesinghe for the 1st to 10th Defendant-Respondents.

Argued &

Decided on : 23.07.2013.

K.T. Chitrasiri, J.

At this stage, learned counsel for the plaintiff-respondent and the 1st to 10th defendant -respondents agree to allocate 30 perches of land in favour of the 11th -defendant. The aforesaid 30 perches of land is to be demarcated from the land where the two 2 sons namely Lensuwa Henalage Gedera Piyasena (11A Substituted Defendant) and Lensuwa Henalage Gedera Dharmadasa of the deceased 11th defendant-appellant are in occupation. Counsel for the appellant submits that the said 30

perches of land is to be allocated to the aforesaid two sons of the 11th defendant in equal extents, as they are the two children of the 11th defendant who are living on the land.

Accordingly, the learned District Judge is directed to enter interlocutory decree in accordance with the judgment dated 5th of June 1997 incorporating the terms of settlement referred to above.

The commissioner is directed to prepare the final plan according to the interlocutory decree so entered, having given the access to the lands allocated to the said Piyasena and Dharmadasa. However, the land that is to be made use of to have access to Piyasena and Dharmadasa also should fall within the 30 perches allotted to the 11th defendant.

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

No parties are entitled to the costs of this appeal.

Proceedings terminated

JUDGE OF THE COURT OF APPEAL.

/mds