

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

**C.A.68-1998 (F)**

D.C.Kurunegala1476/L

W.G. Punchi Ethana

G.P. Jayarathne

Both Are

Gopallawa,  
Gokaralla,  
Kurunegala.

**Appellants**

**-Vs-**

D.M. Rathnayake  
Gopallawa,  
Gokaralla,  
Kurunegala.

And Others

**Respondents**

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

**Counsel :** R. J. U de Almeida for the Substituted Plaintiff -Appellants  
D.M.G.Dissanayake for the 2A and 2D Defendant-  
Respondents

1B Plaintiff Appellant is present in court

2B Defendant-Respondent is present in court

**Argued &**

**Decided on: 29.08.2013**

**K.T. Chitrasiri, J**

Mr. Dissanayake submits that the 1<sup>st</sup> defendant had been the lessee of the 2<sup>nd</sup> defendant and the said lessee has now left the premises in suit. Both Counsel submit that the 1<sup>st</sup> defendant had not made any claim to the land in suit in the lower court. Accordingly, they inform that this appeal could be taken up for hearing in the absence of the 1<sup>st</sup> defendant since he has no title to the land in dispute.

At this stage, both Counsel submit that the dispute in this case has now being resolved in the following manner:

1. Both parties agree that the land in dispute is shown in Plan No.10189 dated 09.06.2013 prepared by G.S. Galagedara, Licensed Surveyor.

2. Accordingly, both parties agree that the 1A and 1B substituted-plaintiff-appellants are entitled to the Lot No.01 whilst the 2A to 2D substituted-defendant-respondents are entitled to the Lot No.2 referred to in the aforesaid Plan No.10189.
3. Having accepted the aforesaid entitlement of the respective parties, they agree to demarcate the boundaries of their respective lands as shown in the said Plan No.10189.

Learned District Judge of Kurunegala is directed to enter decree according to the aforesaid terms of settlement arrived at by the parties. In view of the above settlement, proceedings in this appeal are terminated.

Parties who are present in Court sign the record having accepted the terms of settlement referred to above. The Registrar is directed to have the Plan No.10189 filed into the docket.

*Proceedings terminated.*

**Judge of the Court of Appeal**

Na/-