

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

**Case No: C.A.999/98 F**

Prathapage Somawathie,  
Karametiya, Kirama.

**2nd Defendants Appellants Petitioner**

**Vs.**

- (1) M. Yasalin
- (2) M. Rosalin

**Plaintiffs -Respondent-Respondent**

- (1) Hawa Ambedolage Somawathie
  - (2) P. Priyantha Ranjith Fernando
  - (3) P. Gamini Siril Fernando
  - (4) P. Kanthi Fernando
  - (5) P. Prema Kanthi Fernando
- all are at  
Karametiya, Kirama.

**Respondents**

**C.A. No. 999/98(F)**

**D.C. Walasmulla Case No. 407/P**

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

Counsel : Ronald Perera, P.C. with Nalin Amarajeewa for the  
1<sup>st</sup> and 2<sup>nd</sup> Defendant-Appellants  
Asoka Fernando for the Plaintiff-Respondent and for the  
3<sup>rd</sup> and 4<sup>th</sup> Defendant-Respondents

Argued &

Decided on : 06.09.2013

**K. T. Chitrasiri, J.**

Having argued the appeal, both Counsel submit that the parties have now arrived at a settlement of the disputes raised in this appeal, in the following manner.

- (1) The Judgment dated 08.10.1998 of the learned District Judge of Walasmulla is to be affirmed. Accordingly, the shares allotted to the parties in the aforesaid judgment are to remain as decided by the learned District Judge.
- (2) However, all the parties agree to amend the decision of the learned District Judge, as to the plantations and the improvements found in the land sought to be partitioned, as described herein below:

- (a) The plaintiff and the 3<sup>rd</sup> and 4<sup>th</sup> defendant- respondents are to have the plantations found in the Northern portion of the land depicted in Plan No. 719 marked "X" prepared by Ruban Meegama, Licensed Surveyor.
- (b) The plantations found in the Southern portion of the land is to be given to the 1<sup>st</sup> and 2<sup>nd</sup> defendant-appellants.
- (c) The buildings shown in the aforesaid Plan No. 719 which are situated within the southern portion of the land is to be allocated exclusively to the 2<sup>nd</sup> defendant-appellant.
- (d) The aforesaid allocation of the plantations and the buildings found in the land sought to be partitioned is to be made without any payment being made to any party to the action.

Subject to the above variations made to the judgment in respect of the plantations and the buildings, this appeal is dismissed without costs. Learned District Judge is directed to enter Interlocutory Decree in terms of the Judgment having included the aforesaid terms of settlement arrived at by the parties in respect of the plantations and the buildings found in the land sought to be partitioned.

*Appeal dismissed*

JUDGE OF THE COURT OF APPEAL