

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

C.A. Appeal No.218/99F

Case No. D.C. 32858/L

Pannala Appuhamilage Gunasena
No.98, Pilikuthtuwa,
Buthpitiya.

Plaintiff

-Vs-

1. Mahathun Gamage Podi Appuhamy
Hathnagoda, Beligala.
2. Mahathun Gamage Lal Dharmasiri Jayawickrama
Pilikuthtuwa,
Buthpitiya.

Defendants

And Between

1. Mahathun Gamage Podi Appuhamy
Hathnagoda, Beligala.
2. Mahathun Gamage Lal Dharmasiri Jayawickrama
Pilikuthtuwa,
Buthpitiya.

Defendant/Appellants

-Vs-

Pannala Appuhamilage Gunasena
(Deceased)
No.98, Pilikuthtuwa,
Buthpitiya.

Plaintiff/ Respondent

C.A. No.218/99(F)

D.C. Gampaha No. 32858/L

BEFORE : H.N. J. PERERA, J.

COUNSEL : Defendants-Appellants absent and
unrepresented.
W.Dayarate P.C. with Rjayawardena and
Shiroma Peiris for the respondent.

ARGUED AND

DECIDED ON : 05th September, 2013.

H.N. J. PERERA, J.

In this case, Court had issued notice on the defendants-appellants and their registered Attorneys to deposit the appeal brief fees. Notice issued on the 1st defendant-appellant had been returned with the endorsement that he is dead and at the same time, notice issued on the registered Attorney had been returned with the endorsement that the registered Attorney too had passed away. Notice issued on the 2nd defendant-appellant also had been returned undelivered with the endorsement that he cannot be traced at the given address.

The 2nd defendant-appellant had failed to deposit the brief fees. Therefore this Court is of the view that the appellants are not

interested in pursuing this appeal. Therefore, acting under Rule 13(b) of the Supreme Court (Court of Appeal Appellate Procedure) Rules 1978, this appeal is rejected.

Registrar is directed to send a copy of this order with the original case record to the District Court of Gampaha.

JUDGE OF THE COURT OF APPEAL

Kwk/=