

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

**C.A. No. 1190/99**

D. C. Gampola Case No. 2527/L

Vajira Shirani Gunawardane,  
Mikar Niwasa,  
Angammana,  
Gampola.

**Plaintiff**

**-Vs-**

D. G. Kularatne,  
Angammana Watta,  
Angammana Janapadaya,  
Gampola.

**Defendant**

**And now between**

D. G. Kularatne,  
Angammana Watta,  
Angammana Janapadaya,  
Gampola.

**Defendant-Appellant**

**-Vs-**

Vajira Shirani Gunawardane,  
Mikar Niwasa,  
Angammana,  
Gampola.

**Plaintiff-Respondent**

**C.A. 1190/99(F)**

**D.C. Gampola Case No. 2527/L**

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

**Counsel : Sunil Jayakody with Mrs. Shashikala Ariyaratne  
for the Defendant-Appellant  
N. Ahamed Thawfeek  
for the Plaintiff-Respondent**

**Argued &**

**Decided on : 10.09.2013**

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

Both Counsel submit that the learned District Judge in his judgment dated 16.12.1999 has merely stated that the action is decided in favour of the plaintiff though the issues of the plaintiff has been on the basis of survey plans marked in evidence which have not been referred to in the prayer to the plaint.

However, both Counsel at this stage submit that both the parties to the action are prepared to accept and act upon the Plan bearing No.232/86 dated 10<sup>th</sup> and 20<sup>th</sup> October 1985 marked as "V1" in evidence in order to have the doubts in the impugned judgment cleared. Hence,

they inform Court that Lot No.8 referred to in the aforesaid Plan No.232/86 belongs to the plaintiff-respondent whilst Lot No.10 in that plan belongs to the defendant-appellant. Both Counsel submit that if the boundary between those two lots namely, Lot 8 and Lot 10 in the Plan bearing No.232/86 is demarcated then the decree in this case could be entered accordingly.

At this stage, both parties agree to have the boundary between the aforesaid Lots 8 and 10 demarcated in terms of the Plan No.232/86 referred to above, in order to have the dispute in this case finally resolved.

In view of the above agreement of the parties learned District Judge is directed to enter decree in terms of the above terms of settlement arrived at in this Court. Plaintiff-respondent undertakes to have the decree executed by the Fiscal of the District Court with the assistance of a surveyor.

In the light of the above terms of settlement the proceedings in this appeal are terminated.

*Proceedings terminated*

JUDGE OF THE COURT OF APPEAL

AKN