

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

Union Trust and Investment Ltd.
No. 347, Union Place
Colombo 7.

Plaintiff

C.A. No. 263 / 2000 F

Vs.

D.C. Colombo No. 15708 / MR

Ambalavanar Nithyanandaraja,
Ambalavanar & Sons,
No. 78, Maliban Street,
Colombo 7.

Defendant

AND NOW BETWEEN

Ambalavanar Nithyanandaraja,
Ambalavanar & Sons,
No. 78, Maliban Street,
Colombo 7.

Defendant Appellant

Vs

Union Trust and Investment Ltd.
No. 347, Union Place
Colombo 7.

Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Defendant Appellant- Absent and unrepresented
Prabash Semasinghe instructed by Deepika
Ratnayake for the Plaintiff Respondent

ARGUED ON : 04.07.2013

DECIDED ON : 11.09.2013

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Colombo seeking to recover a sum of Rs. 325,361.38 and a Photocopy Machine or in the alternative a sum of Rs 85,000/- from the Appellant which had been lent to the Appellant on an agreement bearing No 698 dated 13.12.1985. The Appellant has prayed for a dismissal of the Respondent's action.

The case proceeded to trial on 15 issues. After trial the learned Additional District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment dated 11.05.2000 the Appellant has appealed to this court.

The Respondent has closed his case leading evidence of 01 witness and producing documents marked P 1 to P 13. The Appellant has admitted the agreement and the receipt of the said sum and the Photocopy Machine upon the

said agreement. But the Appellant has not given evidence and also has not called any witnesses to give evidence on his behalf.

When I consider the said evidence of the Respondent I am of the view that the learned Additional District Judge has rightly concluded that the Respondent was entitled to a judgment as prayed for in the plaint.

In the said circumstances I see no reason to interfere with the said judgement of the learned Additional District Judge dated 11.05.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal