

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

Sheriff Ali M. Naufer Ali,  
No. 12/1, Percy Dias Mawatha,  
Mabole,  
Wattala.

Plaintiff

C.A. No. 944 / 2000 F

**Vs.**

D.C. Colombo No. 16483 / L

Minsiri Jayantha Thilakaratne,  
No. 09, Vinayalankara Mawatha,  
Colombo 10.

Defendant

**AND NOW BETWEEN**

Minsiri Jayantha Thilakaratne,  
No. 09, Vinayalankara Mawatha,  
Colombo 10.

Defendant Appellant

**Vs**

Sheriff Ali M. Naufer Ali,  
No. 12/1, Percy Dias Mawatha,  
Mabole,  
Wattala.

Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Defendant Appellant-Absent and unrepresented  
Plaintiff Respondent - Absent and unrepresented

DECIDED ON : 07.08.2013

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 inter alia a declaration of title to the land described in the schedule to the plaint.

The Appellant has filed an answer praying for a dismissal of the Respondent's action and for a declaration of title to the land described in the schedule to the plaint.

The case proceeded to trial upon 25 issues. After trial the learned District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment dated 09.11.2000 the Appellant has appealed to this Court.

The Appellant has set out several grounds of appeal in paragraph 20 of the petition of appeal. His main grievance is that the judgment is against the weight of the evidence adduced at the trial and the learned Trial Judge has failed to evaluate the evidence of the case.

The Respondent has closed his case leading evidence of the Respondent and 02 other witnesses and producing the documents marked P 1 to P 70. The Respondent has produced his title deeds in order to prove his title to the land in suit. He has also produced documents to prove his possession of the land in suit. The Appellant has claimed a prescriptive title to the land in suit. The Appellant has closed his case leading evidence of the Appellant and producing the documents marked V 1 to V 20.

I have carefully considered the impugned judgment of the learned District Judge and the said evidence adduced at the trial. When I consider the said evidence I am of the view that the learned trial judge has come to a right conclusion after evaluating the evidence led before court.

In the said circumstances I see no reason to interfere with the said judgement of the learned District Judge dated 09.11.2000. Therefore I dismiss the appeal of the Appellant with costs.

*Appeal dismissed.*

Judge of the Court of Appeal