

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

C .A. Appeal No. 840/2000(F)

D.C. Anuradhapura 16671/RE

D.B. Anakada
No. 390/7,
Harischandra Mawatha,
Anuradhapuraya.

Appellant

Vs.

M.S.B. Ralapanawa
No: 194,
Sri Jayawardanapura Mawatha,
Welikada,
Rajagiriya.

Respondent

C .A. Appeal No. 840/2000(F) -D.C. Anuradhapura 16671/RE

Before : **UPALY ABEYRATHNE, J.**

Counsel : Defendant-Appellant is absent and
unrepresented

Ikram Mohamed P.C. for the Plaintiff-
Respondent

Decided on : 09.09.2013.

Upaly Abeyrathne, J.

It is apparent from the minutes of the docket that the Defendant-Appellant has died. It also appears from the minutes that the appellant was represented by his Attorney. The learned Counsel for the Appellant has taken 9 days from 24.10.2011 in order to file papers for substitution. It is apparent from the said conduct, that the heirs of the appellant have failed to show due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the said circumstances, I dismiss the appeal of the appellant without costs.

Registrar is directed to send the record back to the relevant District Court.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

/mds