

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

**C.A.380/98**

D.C.MARAWILA NO.181/P

D.M.T.M. Appuhami  
Hunupitiya,  
Negombo.

**Appellant**

**Vs.**

D.L.A. Appuhami  
Rangammulla,  
Waikkala.

D.J. Appuhami  
Rangammulla,  
Waikkala.

**Respondents**

**C.A.380/98**

**D.C.MARAWILA NO.181/P**

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

**Counsel** : M.C. Jayarathne with M.D.J. Bandara for the  
Substituted Plaintiff-Appellant  
Sudarshani Cooray for the 2A Defendant-  
Respondent

**Argued &**

**Decided On** : 13.09.2013

**K. T. CHITRASIRI, J**

Having argued the appeal, both Counsel submit that the parties have settled the dispute in the following manner.

- (1) Parties agree to accept the  $\frac{1}{2}$  share given by the learned District Judge to the 1<sup>st</sup> Defendant and to have it remained as mentioned in the Judgment dated 21.05.1998.
- (2) The 2<sup>nd</sup> Defendant agree to give 8 perches from his  $\frac{1}{2}$  share to the Plaintiff-Appellant restricting his share to the remaining portion of the said  $\frac{1}{2}$  share allocated to him by the learned District Judge.

In terms of the above agreement, the learned District Judge is directed to enter interlocutory decree and in that decree he is directed to allocate the shares as mentioned below.

- (1) 1<sup>st</sup> Defendant is to be allocated  $\frac{1}{2}$  share
- (2) 2<sup>nd</sup> Defendant is to be allocated  $\frac{1}{2}$  share, minus 8 perches from that  $\frac{1}{2}$  share.
- (3) The 8 perches referred to in para. (2) above, is to be allocated to the Plaintiff.

Subject to the above terms of settlement, this appeal is dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Cr/-