

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

CA Case No. 1116/98 (F)

D.C Wallasmulla No.317/P

Hangamuwa Gamage Andrayas
Weeraketiya,
Buddiyagama.

**Substituted 4A and 5C Defendant
-Appellant-Petitioner**

Vs.

Tuppahige Don Andriyas
Weeraketiya, Buddiyagama.
(Deceased)

Thuppahige Don Hendrik

Thupphige Leelawathi

Thupphige Wimalawathi

Thupphige Karunawathi

Thupphige Prema Ranjani

Substituted Plaintiff-Respondents

And several other Defendant-Respondents

C.A.1116/98

D.C.WALASMULLA NO.317/P

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

Counsel : Chithrananda G. Liyanage for the 4th and 5th
Defendant-Appellants
Tilan Liyanage for Substituted 1A, 1B and 1C
Plaintiff-Respondents
S. Kalalpitiya for the 8th, 9th, 11th & 12A
Defendant-Respondents

Argued &

Decided On : 13.09.2013

K.T.CHITRASIRI,J

It is brought to the notice of Court that the learned District Judge in the impugned Judgment has restricted the corpus to lot No 1 in the Plan 1765 marked 'X'. All three Counsel appearing for the parties, accordingly submit that the parties have no dispute on that decision and they also agree to have the corpus restricted to lot No. 1 as decided by the learned District Judge.

However, the Substituted Plaintiff-Respondents have now agreed to give a portion from plaintiff's allocation of land to the 4th and 5th Defendant-

Appellants. The land so to be given to the appellants is shown in the Plan 2460 dated 02.09.2013 drawn by I.P. Gallage. Accordingly, the parties agree to allocate the land comprising of lots A & B shown in the aforesaid Plan 2460 which forms part of the said Lot No. 1 in the Plan marked X, to the 4th & 5th Defendant-Appellants and thereafter to have the land partitioned in accordance with the Judgment subject to the above terms of settlement.

The learned District Judge of Walasmulla is directed to enter interlocutory decree incorporating the aforesaid settlement recorded today in this Court.

In view of the above settlement, the proceedings in this Court are terminated.

JUDGE OF THE COURT OF APPEAL

Cr/-