

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

**C.A. No. 760/96(F)**

D.C. Kuliypitiya No.8041/M

W.V.M. Ashoka Bandara  
Alu Wihare,  
Beru Wewa,  
Ilakhena.

**Appellant**

**Vs.**

A.M. Karunarathna  
Kandalagamuwa,  
Wadumunne Gedara.

**Respondent**

C.A. No. 760/96(F)

D.C. Kuliypitiya No.8041/M

BEFORE : **H. N. J. PERERA, J.**

COUNSEL : Parties absent and unrepresented.

DECIDED ON : 13<sup>th</sup> September, 2013

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H. N. J. PERERA, J.

The plaintiff-respondent is not present and unrepresented.

When this matter was mentioned on 30.08.2013 the plaintiff-respondent appeared in person and informed Court that the defendant-appellant had not complied with the terms of settlement dated 24.02.2010. Accordingly, Court requested the plaintiff-respondent to support his application with legal assistance today. According to the terms of settlement entered on 24.02.2010 before this Court, the defendant-appellant had agreed to pay the plaintiff-respondent a sum of

Rs.105,000/= as full and final settlement on or before 28.09.2010. Accordingly, the Court had allowed the appeal to be withdrawn by the defendant-appellant. It was further agreed that if the defendant-appellant fails to make the said payment on or before 28.09.2010 the plaintiff-respondent is entitled to apply for a writ of execution to recover the balance money owed by the defendant-appellant to him. Therefore, as the appeal has been withdrawn by the defendant-appellant the Registrar is directed to send a copy of this order together with the order made by this Court on 24.02.2010 and the original case record to the District Court of Kuliyaipitiya.

JUDGE OF THE COURT OF APPEAL

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