

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

Pedric Appuhamy (deceased)
Herath Mudiyanse Lage Bandara
Menike,
No. 1029, Unagalavehera,
Jayanthipura.

Substituted Plaintiff

C.A. No. 1015 / 2000 F

Vs.

D.C. Polonnaruwa No. 3812 / L

Nagahawatta Ralalage Gunaratne
Banda,
No. 1025, Unagalavehera,
Jayanthipura.

Defendant

AND NOW BETWEEN

Nagahawatta Ralalage Gunaratne
Banda,
No. 1025, Unagalavehera,
Jayanthipura.

Defendant Appellant

Vs

Pedric Appuhamy (deceased)
Herath Mudiyanse Lage Bandara
Menike,
No. 1029, Unagalavehera,
Jayanthipura.

Substituted Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

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

DECIDED ON : 08.10.2013

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 Polonnaruwa seeking inter alia a declaration of title to the land described in the 1st schedule to the plaint.

The Appellant has filed an answer denying the averments contained in the plaint and praying for a dismissal of the Respondent's action. The case proceeded to trial upon 11 issues. After trial the learned Additional District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment dated 14.11.2000 the Appellant has appealed to this Court.

The Appellant has set out several grounds of appeal in paragraph 05 of the petition of appeal. The main grievance of the Appellant was that the judgment was against the weight of the evidence adduced at the trial.

I have carefully considered the impugned judgment of the learned Additional District Judge and the 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 going through the evidence led before court.

In the said circumstances I see no reason to interfere with the said judgement of the learned Additional District Judge dated 14.11.2000. Therefore I dismiss the appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal