

**IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRILANKA**

C.A. 661/99 (F)

D.C Avissawella 14289/P

Konara Ranasinghe Basnayaka Mudiyansele Justin
Jayathilaka Ranasinghe Bandara Kiriella
Nimthalahena,
Walawwa,
Kiriella.

Defendant Appellant

Vs.

Wijesinghage Albert Wijesinghe
Arapola,
Ahaliyagoda.

Thotapitiya Arachchilage Wijepala
Arapola,
Ahaliyagoda.

Complainant Respondent

C.A. 661/99 (F).

D.C Avissawella 14289/P

Before : Upaly Abeyrathne, J.

Counsel : Heirs of the 26th Defendant-Appellant
are present.

Argued &
Decided on : 04.10.2013

Upaly Abeyrathne, J.

Heirs of the 26th Defendant -Appellant namely Laxman Ranasinghe Bandara Kirialla, Laxmi Rani Kirialla and Hiranya Malani Kirialla are present before Court. They have tendered an affidavit seeking permission of this court to withdraw this appeal. They informed that 26th Defendant-Appellant Konara Ranasinghe Basnayake Mudiyanse Ralahamilage Justin Rajathilaka Ranasinghe Bandara Kirialla has dead. They further informed that they are not intending to proceed with this appeal. Death Certificate of the said 26th Defendant-Appellant is also filed

of record. I have perused the said documents. Accordingly I allow the application for withdrawal of this appeal. This appeal is dismissed without costs. Registrar is directed to send the main record to the relevant District Court.

JUDGE OF THE COURT OF APPEAL

Vkg/-