

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

C.A. 244/99 (F)

D.C. Kegalle Case No: 4342/L

S.A. Layanal Senevirathna
Ihalagama,
Wewaldeniya,
Arupalamulla,
Ruwanmulla.

Appellant

Vs.

S.A.W. Senevirathna
Paragammana,
Kegalle.

Respondent

C.A. 244/99(F)

D.C. Kegalle Case No: 4342/L

Before : H.N.J. Perera,J.

Counsel : Rohana Deshapriya with Nirosh Bandara for the
Plaintiff-Appellant.
Padmi Gamage for the 4th Defendant-Respondent.

Argued &

Decided on : 14.10.2013

H.N.J. PERERA,J.

Defendant-Respondent is not present. The counsel for the Defendant-Respondent informs Court that the Plaintiff-Appellant has already paid a sum of Rs: 50,000/- as costs and the Defendant-Respondent has received the said sum from the Plaintiff-Appellant. Therefore moves that the order made by the District Judge refusing to set aside the ex-parte order dismissing the plaintiff's action on 12.11.1998 and also the order made on 05.06.1991 dismissing the plaintiff's action be set aside. Therefore on the application of parties as the Plaintiff-Appellant has paid Rs: 50,000/- as costs to the Defendant-respondent the order made by the District Judge on 12.11.1998 and

05.06.1991 are set aside. Learned District Judge is directed to hear this case a fresh as expeditiously as possible. Appeal is allowed.

Registrar is directed to send a copy of this order with the original case record to the District Court of Kegalle.

JUDGE OF THE COURT OF APPEAL

Jmr/-