

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

C.A 716/2000 (F)
D.C Kurunegala 3791/P

E. Gamlathge Alias E.G. Suraweera
Udapolamulla,
Ambagolla Road,
Udapola.

1st Plaintiff Appellant

Vs.

O. Karunarathna
Ambagolla,
Udapola,
Polgahawela.

And Others

Defendant Respondents

C.A 716/2000 (F).

D.C Kurunegala 3791/P.

Before : Upaly Abeyrathne, J.

Counsel : M.C. Jayarathne with M.D.J. Bandara for
the 3rd Defendant-Respondent.

Argued & decided on : 15.10.2013.

Upaly Abeyrathne, J.

It appears from the minutes that the 1st Plaintiff –Appellant has been noticed on several occasions directing him to file papers for substitution in ~~the~~ place of ^{the} deceased 1st and 2nd Plaintiff –Appellant. It seems that the 1st Plaintiff –Appellant has not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the circumstances, the appeal of the 1st Plaintiff –Appellant is dismissed without costs. S

Registrar is directed to send the main record to the District Court of Kurunegla.

JUDGE OF THE COURT OF APPEAL

Vkg/-