

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

CA (PHC) 47/2007

HC Ratnapura Case No. HCR/RA 80/04

MC Embilipitiya 31312

Ranasinghage Podiappuhamy,
Aliwadiya, Ulliduwawa.

Petitioner-Petitioner-Appellant.

Vs.

1. Ranasinghage Lal Priyantha,
Hiare Kade, Deniyaya.
2. Karunaratne Weeraman
Piyaseeli, Hiare Kade, Deniyaya.

**Respondent-Respondent-
Respondents.**

Before : A.W.A. Salam, J &
Sunil Rajapakshe, J.

Parties absent and unrepresented.

Decided on : 21.10.2013

A.W.A. Salam, J.

This appeal arises on the judgement of the learned High Court judge dated 26 March 2007. By the said judgement the learned High Court judge, in the exercise of its revisionary powers dismissed the revision application filed by the petitioner- petitioner-appellant (appellant) challenging the propriety of a determination made by the learned

Magistrate in regard to dispute affecting land under and in terms of Chapter VII of the Primary Court Procedure Act No 44 of 1979.

The proceedings in the Magistrate's Court as regards the dispute affecting the land in question commenced with the filing of an affidavit by the party referred to in the caption as Ranasinhage Podiappuhamy. The parties involved in the dispute had filed affidavits and counter affidavits and the learned magistrate came to the conclusion that the second respondent has proved her possession of the subject matter at least for a period of 10 years by production of documents marked as P1 to P10. In a well considered determination the learned magistrate having set out his reasons in detail directed that the second respondent be restored to possession.

The learned High Court judge having carefully analysed the reasoning adopted by the learned Magistrate came to the obvious conclusion that the revision application filed by the appellant merits no favourable consideration and proceeded to dismiss the same on that ground. Having considered the impugned judgement of the learned High Court judge, I am of the opinion that the appellant has not made out a case before this court requiring the reversal of the impugned judgement. In the circumstances, we are compelled to dismiss the appeal. There shall be no costs.

Judge of the Court of Appeal

Sunil Rajapakshe, J.

I agree.

Judge of the Court of Appeal

NR/-