

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

C.A 1306/98 F

D.C Walasmulla Case No: 635/P

Kabiliyapola Liyanage Adwin
Bathalalanda,
Ittademaliya,
Walasmulla.

Defendant-Appellant

Vs.

Kabiliyapola Liyanage Heen Appu
Kajjugas Koratuwa,
Ittademaliya,
Walasmulla.

Complainant-Respondent

C.A 1306/98 F**D.C Walasmulla Case No: 635/P**

Before : K.T. Chitrasiri, J.
Counsel : Shantha Jayawardena for the Plaintiff – Respondent.

Plaintiff –Respondent is present in Court.

Defendant-Appellant is absent and unrepresented.

Argued & Decided on : 05.11.2013.

K.T.Chitrasiri, J.

Counsel for the Plaintiff –Respondent informs court that the Defendant Appellant has passed away 10 years before. However, the notices sent to him and to his registered Attorney have not been returned. Counsel also informs court that the appellant is the brother of the Respondent. Since, the Appellant and his Registered Attorney has not responded to the notices sent to them under registered cover, this appeal cannot be listed for argument since no person is available to present the case of the Appellant. In the circumstances, court makes an order abating the appeal enabling the heirs of the Appellant to come before court.

Appeal abated.

JUDGE OF THE COURT OF APPEAL.

Vkg/-