

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

CA 616/98(F)

DC Kalutara Case No. 4604/P

K.D. Malini wijelatha,
No. 132, Gangarama Road,
Werahera,
Boralessgamuwa.

Petitioner

Vs.

15a Palligoda Vitanage Karunadasa
No. 05, Govindagama, Padagoda.
Beruwala

And 02 others

Defendant-Appellant-Respondents

Karuwa Kondage Don Hemarathne
No. 71,
Nawththuduwa.

Plaintiff-Respondent-Respondent

Karuwa Kondage Don Jinasena (Deceased)
Ambepitiya,
Beruwala.

And 13 others

Defendant-Respondent-Respondent

C.A. 616/98 (F)

DC-KALUTARA-4604/P

BEFORE : K.T. Chitrasiri, J.

COUNSEL : Appellants are absent and unrepresented
S.A. Kulasooriya for the Substituted 1st
Defendant-Respondent
S.Karunadhara for Substiuted 2nd
Defendant-Respondent

DECIDED ON : 13.11.2013

K.T. CHITRASIRI, J.

Counsel for the 2nd Defendant-Respondent submits that the appellants are not interested in taking steps and therefore he moves that an appropriate order be made.

When this matter was mentioned in this court on the 12.09.2013, it was recorded that number of parties have died. Three appellants are also not coming to court despite several notices have been sent under registered cover directing them to be present in this court. On that date namely on 12.09.2013, counsel for the respondents have moved for one more date to effect the substitution.

However, no steps have been taken to substitute the heirs of the deceased parties as yet.

In the circumstances, it is seen that the appellants are not prosecuting this appeal diligently. Accordingly, court makes an order abating the appeal.

Appeal abated.

JUDGE OF THE COURT OF APPEAL

LA/-