

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

CA 975/00(F)

DC Bandarawela Case No.544/L

Samarakoon Mudiyansele Malhami Samarakoon
'Samaramahal',
Perawella

Plaintiff Appellant

Vs.

Dugganna Mudiynselage Sarath Premathilaka
'Thilani',
Kabillawela North,
Bandarawela.

Defendant Respondent

C.A. Appeal No. 975/00(F) - **DC. Bandarawela No.544/L**

Before: **Upaly Abeyrathne, J**

Counsel: Appellant is absent and unrepresented..

K. G. Jinasena with Ms. Nelum Pradeepa for the Defendant-Respondent.

Decided on: **11.11.2013**

Upaly Abeyrathne, J

According to the fiscal report the appellant was not at the given address. Learned counsel for the respondent informs Court that his client has come to know that the appellant has died. Heirs of the appellant has failed to file papers for substitution. I have considered the said circumstances. It seems that the heirs of the appellant has not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the said circumstances I dismiss the appeal of the appellant without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Kpm/-