

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

C. A. 224/2000 F

D.C Gampola No: 2026/L

H.A. Lal Bandara
Paradeka.

K.D. Manike
Selwakanda,
Paradeka.

Defendant-Appellant

Vs.

R.M. Ukku Amma
(W.Manike)
"Vijaya Niwasa"
Gelioya.

Plaintiff-Respondent

C. A. 224/2000 F

D.C Gampola No: 2026/L.

BEFORE : A. W. A. SALAM, J. &
SUNIL RAJAPAKSHE, J.

COUNSEL : Rohan Sahabanda PC with Samithrie
Kumarawadu for the 1st and 2nd Defendant-
Appellants.

Mihiri Abeyrathne for the Plaintiff –Respondent.

ARGUED AND

DECIDED ON : 11th November, 2013

A. W. A. SALAM, J.

Junior Counsel for the 1st and 2nd Defendant-Appellants states that she is unable to take steps with regard to the deceased Plaintiff –Respondent as Mr. Rohan Sahabandu PC has not received instructions. Learned Counsel for the Plaintiff –Respondent Mihiri Abeyrathne adverts to the fact that this is the 5th date on which steps are due and moves that the appeal be abated for non-prosecution. As the 1st and 2nd Defendant-Appellants have failed to regularize the caption by

taking steps arising from the death of the Plaintiff –Respondent, we allow the application of the Plaintiff –Respondent and make order abating this appeal.

JUDGE OF THE COURT OF APPEAL

SUNIL RAJAPAKSHE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Vkg/-