

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

**C.A. No. 1183/2000(F)**

D.C. Marawila No. 1262/M

Wijithananda Samarajeewa Herath  
Gal Amuna,  
Kudawewa.

**DEFENDANT-APPELLANT**

**Vs.**

Athula Herath Randeni  
Gal Amuna,  
Kudawewa.

**COMPLAINANT-RESPONDENT**

C.A. No. 1183/2000(F)

D.C. Marawila No. 1262/M

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Parties are absent and unrepresented.

DECIDED ON : 01<sup>st</sup> November, 2013.

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UPALY ABEYRATHNE, J.

Parties are absent and unrepresented. The Defendant-Appellant has been noticed by this Court. The said notice has been returned with an endorsement that Vijithananda Samarajeewa Herath the Defendant-Appellant has died. It seems that the heirs of the Defendant-Appellant have not taken steps to file papers for substitution. In the said circumstances, since the heirs of the Defendant-Appellant have not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal, I dismiss the appeal of the appellant without costs.

Registrar is directed to send the main case record with this order to the relevant District Court.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

Kwk/=