

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

C.A. 1314/98(F)

D.C. Horana Case No. 5375/L

Edirisinghearatchige Don Karunaratne,
No: 198,Anguruwatota,
Horana.

Plaintiff - Appellant

Vs.

Jayakodige Pedrick Singho alias P.H.Jayakody,
Matugama Road, Nagoda,
Dodangoda.

Danwatte Liyanage Dulies Perera,
Temple Road, Batagoda,
Galpatha.

Defendant - Respondents

C.A. 1314/98(F)

D.C. Horana Case No. 5375/L

BEFORE : K.T. CHITRASIRI, J

COUNSEL : Saliya Peiris with Gayan Maduwage and
Anjana Rathnasiri for the Plaintiff-Appellant
Prinath Fernando for the Defendant Respondent

Argued &

Decided on : 26.11.2013

K. T. CHITRASIRI, J.

Both Counsel submit that this appeal need not be considered since the parties have arrived at a settlement of the dispute in this case. The judgment of the District Court, which is being challenged in this appeal, is to have the deed bearing No. 1844 written in favour of the plaintiff and 1st defendant, accepted as a valid deed. Accordingly, the reliefs prayed for in the plaint were not granted by the learned District Judge.

However, the rights of the 1st defendant referred to in the aforesaid deed have now been transferred to the son of the

plaintiff-appellant by the 2nd defendant-respondent in whose favour the 1st defendant had transferred his half share referred to in the aforesaid deed 1844.

In the circumstances both Counsel submit that the two defendants are now not claiming any rights of the premises in suit as the entirety of the land subjected to in this case is now owned by the plaintiff and his son. Therefore they move that the proceedings in this Court be terminated. Accordingly, this appeal is dismissed without costs for not pursuing the appeal.

Proceedings terminated

JUDGE OF THE COURT OF APPEAL

AKN