

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

CA 231/2000 (F)
DC KALUTARA 6526/P

Gamani Fernando
Hettiweediya,
Payagala.

Appellant

Vs.

K.H. Sujatha Jeenawathi
“Wijewasa”
Hettiweediya,
Payagala.

And Others

Respondents

CA 231/2000 (F)

DC KALUTARA 6526/P

Before: Upaly Abeyrathne, J.

Counsel: Premani Pothupitiya for the Plaintiff-Respondent.

T. Wickramanayake appears for the 11th Respondent on behalf of the Legal Aid Commission.

Decided on: 02.12.2013.

Upaly Abeyrathne, J.

12th Defendant-Appellant is absent and unrepresented. Plaintiff-Respondent and several other respondents have died. The 12th Defendant-Appellant has obtained several dates to file papers for substitution. Today the 12th Defendant-Appellant is absent and unrepresented. It is apparent from the minutes that a final date to file papers for substitution has been given on 11.09.2012. Thereafter also several dates have been granted to the 12th Defendant-Appellant. It is apparent from the said conduct of the 12th Defendant-Appellant that he has not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the circumstances, I dismiss the appeal of the 12th Defendant-Appellant without cost.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

Mm/-.