

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

In the matter of an application for  
substitution in the room and place of a  
deceased person.

C.A. 336/98/F

D.C. Ratnapura Case No:  
9680/L

(Deceased) 1. Sumedha Rambukpotha Elapatha  
Kumarihamy

(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,  
Dehiwala.

(Deceased) 2. S.A.I. Elapatha

(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,  
Dehiwala.

3. E.J.I. Elapatha

4. Elaine Seetha Ratwatte.  
all of New Pinkanda Estate  
Udakarawita.

**Plaintiffs**

Vs.

(Deceased) 1. Margret Gurusinghe  
2. Violet Wijeratna

(Deceased) 3. D.R. Hettiarachchi  
All of Palmadulla

**Defendants**

BETWEEN

(Deceased) 1. Sumedha Rambukpotha Elapatha  
Kumarihamy

(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,  
Dehiwala.

(Deceased) 2. S.A.I. Elapatha  
(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,  
Dehiwala.

3. E.J.I. Elapatha

4. Elaine Seetha Ratwatte.  
all of New Pinkanda Estate  
Udakarawita.

**Plaintiff-Appellants**

**Vs.**

(Deceased) 1. Margret Gurusinghe  
2. Violet Wijeratna  
(Deceased) 3. D.R. Hettiarachchi  
All of Palmadulla

**Defendant-Respondents**

**AND**

Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,  
Dehiwala.

**AND NOW BETWEEN**

(Deceased) 1. Sumedha Rambukpotha Elapatha  
Kumarihamy  
(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99, Sri Saranankara Road,

Dehiwala.

(Deceased) 2. S.A.I. Elapatha  
(Substituted) Romesh Alexander Iddamalgoda  
Elapatha of  
No: 99,  
Sri Saranankara Road,  
Dehiwala.

3. E.J.I. Elapatha

4. Elaine Seetha Ratwatte.

**all of**

New Pinkanda Estate  
Udakarawita.

**Plaintiff-Appellant-Petitioners**

**Vs.**

(Deceased) 1. Margret Gurusinghe

2. Violet Wijeratna  
Pelmadulla

(Deceased) 3. D.R. Hettiarachchi

3(a) Violet Wijeratne  
3(b) Champa Devika Hettiarachchi  
3(c) Dayani Renuka Hettiarachchi  
3(d) Darshni Deepika Hettiarachchi  
3(e) Dunkan Thusitha Hettiarachchi  
3(f) Chalani Priyanka Hettiarachchi

**All of**

No; 18,  
Balangoda Road,  
Palmadulla.

**Defendant-Respondent-Respondents**

C.A. Appeal No. 336/98(F) - D.C. Ratnapura No. 9680/L

Before : **K.T. Chitrasiri, J.**

Counsel : G.D. Jayasundera instructed by Varners Law  
Associates for the Plaintiff-Appellants.

C.R. Bandara for the 3A, 3B, 3C, and 3D  
Defendant-Respondents

Decided on : 13.01.2014.

**K.T. Chitrasiri, J.**

Learned Counsel for the Appellants moves to withdraw this appeal submitting that the parties have arrived at a settlement outside ~~the~~ Court. Learned Counsel for the Defendant-Respondent has no objection to this application. Application for withdrawal is allowed. Accordingly, the appeal is dismissed without costs.

*Appeal dismissed.*

**JUDGE OF THE COURT OF APPEAL**

/mds