

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

CA 270/00 (F)

DC Awissawella NO 11/ P

Nawagamuwalage Kathonis Suraweera (DEAD)
Hingurakgoda, Dehiowita

Deceased 23rd Defendant Appellant

Nawagamuwalage Dharmasiri Wijayaweera
E 46, Hingurakkanda, Dehiowita.

Substituted 23 (A) Defendant Appellant Petitioner

Vs.

1. Chandra Pushpakanthi Rajapakshe
2. Advin Palandage Dhanapala
3. Pattiyawattage Sophinona
4. Pallekannage Sophinona
5. Pallekannage Melis
6. Pallekannage Misa
All Of
C/O Sriyani , Dehiowita, Hinguralagoda.

Plaintiff Respondents-Respondents

1. Pallekanalage Alis nona (Deceased)
2. Chandrapala Nawagamuwa
3. Palle Kandalage Ranjith Nawagamuwa
4. Palle Kandalage Themis Nawagamuwa
5. Palle Kandalage Menaka Weerasinghe Nawagamuwa
6. Palle Kandalage Piyadasa Nawagamuwa
7. (A) Palle Kandalage Ranjith Nawagamuwa

And others

Defendant Respondents-Respondents

C.A. NO. 270/2000

D.C. Avissawella No. 11/P

BEFORE : K.T. CHITRASIRI, J.

COUNSEL : Mihiri Abeyrathne for the substituted 23 (A)
defendant-appellant.

Punnya Jayathilaka for the 1st plaintiff-
respondent.

ARGUED AND

DECIDED ON : 27th January, 2014.

K.T. CHITRASIRI, J.

Counsel for the 23(A) defendant- appellant submits that the 2nd, 4th, and 5th plaintiff-respondents are dead. 2nd plaintiff-respondent had died on the 4th November, 1994. He had died while this case was pending in the District Court. The appellant was given several times since 28.02.2013 to effect the substitution in the room of the deceased 2nd, 4th and 5th plaintiff-respondents. So far no steps have been taken to have the substitution effected. Accordingly, it is clear that the appellant is not prosecuting this appeal diligently. In the circumstances, Court makes order abating the appeal.

Appeal abated.

JUDGE OF THE COURT OF APPEAL

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