

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

Ranasinghage Saiman Perera,  
No. 82, Dhibbedda Road,  
Thalpitiya, Wadduwa.

Plaintiff

C.A. No. 1312 / 2000 F

Vs.

D.C. Panadura No. 355 / Partition

1. Ranasinghage Pabilis Perera,  
No. 74, Dhibbedda Road,  
Thalpitiya, Wadduwa.
2. Guruge Asilin Perera,  
No. 86, Dhibbedda Road,  
Thalpitiya, Wadduwa.
3. Ananda Wijsekera,  
No.76, Dhibbedda Road,  
Thalpitiya, Wadduwa.

Defendants

**AND NOW BETWEEN**

Ranasinghage Saiman Perera,  
No. 82, Dhibbedda Road,  
Thalpitiya, Wadduwa.

Plaintiff Appellant

Vs

1. Ranasinghage Pabilis Perera,  
No. 74, Dhibbedda Road,  
Thalpitiya, Wadduwa.
2. Guruge Asilin Perera,  
No. 86, Dhibbedda Road,  
Thalpitiya, Wadduwa.
3. Ananda Wijsekera,  
No.76, Dhibbedda Road,  
Thalpitiya, Wadduwa.

Defendant Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Appellant - absent and unrepresented  
Respondents - absent and unrepresented

DECIDED ON : 16.01.2014

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted the said action against the Defendant Respondents (hereinafter referred to as the Respondents) in the District Court of Panadura seeking a judgment to partition the land described in the schedule to the plaint.

The 1<sup>st</sup> Respondent has filed a statement of claim admitting the pedigree and the scheme of partition set out in the plaint. The 2<sup>nd</sup> Respondent has filed a statement of claim seeking a dismissal of the Appellant's action. The 3<sup>rd</sup> Respondent has filed a statement of claim seeking a 1/4<sup>th</sup> share of the corpus. The case proceeded to trial on 16 issues. After trial the learned District Judge has dismissed the Appellant's action. Being aggrieved by the said judgment dated 21.11.2000 the Appellant has preferred the present appeal to this court.

The Appellant has set out several grounds of appeal in the petition of appeal. His main grievance was that the judgment is against the weight of the evidence.

I have carefully considered the impugned judgment of the learned District Judge and the evidence adduced at the trial. When I consider the said evidence I am of the view that the learned trial judge has come to a right conclusion considering the evidence led before court.

In the said circumstances I see no reason to interfere with the said judgement of the learned District Judge dated 21.11.2000. Therefore I dismiss the appeal of the Appellant without costs.

*Appeal dismissed.*

Judge of the Court of Appeal