

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

C.A. No. 593/98(F)

D.C. Kalutara Case No. 5462/P

H.D. Sisilin Nona
"Kumudu",
Kuda Waskaduwa,
Wadduwa.

Appellant

Vs.

H.D. Somawathie
Anuradhapuraya.

K. Piyasena
Karadagoda,
Beruwala,

And Others

Respondents

C.A. No. 593/98(F)

D.C. Kalutara Case No. 5462/P

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

Counsel : Malaka Herath for the Substituted 46(a) to
46(f) Defendant-Appellants.

W.D. Weeraratne for the 2nd Plaintiff-Appellant.

Eranga Atapattu with Thushani Jayawardena
for the 23rd Defendant-Respondent.

Decided on : 18.02.2014.

K.T. Chitrasiri, J.

Counsel for the substituted 46(a) to (f) defendant-appellants submits that the appellants have failed to take steps to substitute the heirs of twelve deceased parties. This matter being mentioned in this Court since 3rd August 2011. Mr. Malaka Herath had been appearing for the appellant since 2nd May 2012. Number of dates were given to file substitution papers since then. Some of the parties have died even when the matter was pending in the District Court.

Therefore it is clear that the appellants have failed to effect the substitution in the room of the deceased parties though they were given dates since the year 2012. The above circumstances show that the appellants are not prosecuting this appeal diligently. Accordingly, Court makes an order abating the appeal.

Appeal abated.

JUDGE OF THE COURT OF APPEAL

Jmr