

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

**CA 297/2000 (F)**

D.C. Polonnaruwa 54/98/DR

Dayarathne Hewage

No: 270,

2<sup>nd</sup> Canal Road,

Kaduruwela,

Polonnaruwa.

And Others

**Defendant-Appellants**

**Vs.**

Commercial Bank

Hingurakgoda Branch

**Plaintiff-Respondent**

Before : **Upaly Abeyrathne, J.**  
Counsel : 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendant-Appellants are  
absent and unrepresented

Ms. Y. Demuni for the Plaintiff-  
Respondent

Decided on : 10.02.2014

**Upaly Abeyrathne, J.**

It appears from the minute dated 21.10.2013 that the Attorney at Law who appeared for the Appellants has obtained a date to file papers for substitution in place of a deceased Appellant.

It also apparent from the docket that the appellants have not taken steps to file papers for substitution. It is seen from the said conduct of the appellants that they have not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal.

In the said circumstances I dismiss the appeal of the Appellants without costs.

Registrar is directed to send the main record to the relevant District Court.

Appeal dismissed.

**JUDGE OF THE COURT OF APPEAL**

LA/-