

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

Weliwitigoda Hewage Anurasiri,
Hirigalketiya,
Medakeembiya.

Plaintiff

C.A. No. 1297 / 2000 F

Vs.

D.C. Galle No. 13739 / P

Maragodage Rathnawali Dulcey
Jayasinghe,
Nagarukkarama Road, Kalegana,
Galle.

And 14 Others

Defendants

AND NOW BETWEEN

Weliwitigoda Hewage Dharmadasa,
Pitiheruma,
Medakeembiya.

11th Defendant Appellant

Vs

Weliwitigoda Hewage Anurasiri,
Hirigalketiya,
Medakeembiya.

Plaintiff Respondent

Maragodage Rathnawali Dulcey
Jayasinghe,
Nagarukkarama Road, Kalegana,
Galle.

And 13 Others

Defendants Respondents

BEFORE : UPALY ABEYRATHNE, J.

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

DECIDED ON : 24.02.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendants in the District Court of Galle seeking for a judgment to partition the land described in the schedule to the plaint. After trial the learned Additional District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment dated 29.09.2000 the 11th Defendant Appellant (hereinafter referred to as the Appellant) has preferred an appeal to this Court.

It is apparent from the proceedings of the case that the evidence of the Respondent has been led in agreement of all the parties and a judgment had been delivered according to the evidence so led. Since the parties had informed court that there was no contests among them, the 11th Defendant Appellant cannot now proceed against the said settlement arrived at in court.

In the aforesaid circumstances I find no reason to interfere with the judgment of the learned Additional District Judge dated 29.09.2000. Therefore I dismiss the instant appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal