

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

In the matter of an Appeal in terms of
Section 754(1) read with Section 755(1) of
the Civil Procedure Code.

C.A. No. 71/98(F)
D.C. Kurunegala Case No. 4967/M

Keangnam Enterprises Ltd., No. 221/3,
Pannipitiya Road, Battaramulla.

Defendant-Appellant

Vs.

Milton Fernando of Korralegedara,
Kohilegedara.

Deceased-Plaintiff-Respondent

P. S. Indika of Korralegedara
Kohilegedara.

Substituted Plaintiff-Respondent.

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

Counsel : Deeptha Perera with Oska Perera for the
Defendant-Appellant.

Substituted Plaintiff-Respondent is present in Court.

Decided on : 21.03.2014.

K. T. CHITRASIRI, J.

When this matter was mentioned on 07.02.2014, Palamandalage Suresh Indika who is a son of the original plaintiff namely Milton Fernando had been substituted in the room of the deceased plaintiff-respondent. He is present in court today. His National Identity Card number is 780542110V. A photo copy of the said National Identity card is tendered to court. The said substituted plaintiff-respondent, namely Suresh Indika informs court that he is willing to accept Rs. 45,000/= as full and final settlement in view of the claim made in this case by his late father who was the original plaintiff.

Accordingly, learned Counsel for the appellant submits that the defendant-appellant is prepared to pay a sum of Rs. 45,000/= to the substituted plaintiff-respondent and moves that satisfaction of the decree be entered accordingly. A cheque from People's Bank Corporate Branch which bears the No. 363580 issued by the appellant Company for a sum of Rs. 45,000/= is handed over to the substituted plaintiff-respondent in open court. He places his signature in the docket, having accepted the terms of settlement, and the receipt of the cheque for Rs.45,000/=.

In view of the above settlement arrived at between the parties, this appeal is dismissed subject to the aforesaid terms of settlement. Learned District Judge of Kurunegala is directed to enter satisfaction of the decree in terms of the settlement referred to above. Appeal dismissed subject to the above conditions.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

AKN