

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

CA No. 581/99 (F)
DC Kandy No. 14533/L

Wickramasinghe Mudiyansele Bissomenike,
Godamaditta, Pallebowala.

Plaintiff

Vs.

1. People's Bank,
Sir Chittampalam A Gardinar Mawatha, Colombo.

2. Douglas Wijeratne,
Authorised Officer, People's Bank, Colombo.

3. W. Nelson Henricus Alias
Henricus Fernando, Godamaditta,
Petigepitiya, Pallebowala.

Defendants

AND NOW

1. People's Bank,
Sir Chittampalam A Gardinar Mawatha, Colombo.

Defendant-Appellant-Petitioner

Vs.

1. Wickramasinghe Mudiyansele Bissomenike
(Deceased), Godamaditta, Pallebowala.

Plaintiff-RespondentRespondent

1 (a) Mahamudannayakalage Aberathna Banda,
Kithulpe, Pallebowala.

CA 581/99(F)

D.C. KANDY-14533/L

Before : **H.N.J. Perera, J.**

Counsel : The Defendant Appellant, Peoples Bank
is absent and unrepresented.

Argued &
Decided on : 20.03.2014

H.N.J. Perera, J.

On several dates counsel for the Defendant Appellant had moved for time to take steps for the substitution of the deceased plaintiff-Respondent in this case. Court has given several dates for this purpose. But, the Appellant has failed to take steps for the substitution of the deceased plaintiff-Respondent in this case.

This court is of the view that the Defendant Appellant has not shown due diligence to prosecute this appeal.

Therefore, this court makes order abating the appeal.

Appeal is abated.

Registrar is directed to send a copy of this order together with the main case record to the District Court of Kandy.

JUDGE OF THE COURT OF APPEAL

LA/-