

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

Lanka Tractors Ltd,
45 / 100, Nawala Road,
Colombo 05.

Plaintiff

C.A. No. 712 / 2000 F

Vs.

D.C. Colombo No. 13125 / MR

1. Subasinghe Kankanamalage
Padmasiri Subasinghe,
'Subasinghe Motors,
65, Dambulla Road,
Kekirawa.
2. A. P. Amarawansa,
'Binco Tex'
Mahaveediya,
Kekirawa.
3. Mahinda Anura Subasinghe,
'Subasinghe Tyre Centre'
Kekirawa.

Defendants

AND NOW BETWEEN

1. Subasinghe Kankanamalage
Padmasiri Subasinghe,
'Subasinghe Motors,
65, Dambulla Road,
Kekirawa.

1st Defendant Appellant

Vs

Lanka Tractors Ltd,
45 / 100, Nawala Road,
Colombo 05.

Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : V. Kulathunge for the 1st Defendant
Appellant
S. Rajapaksa for the Plaintiff Respondent

ARGUED ON : 27.11.2013

DECIDED ON : 07.03.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the 1st 2nd and 3rd Defendants in the District Court of Colombo seeking to recover a sum of Rs. 1,038,911.50 from the Defendants. The Defendants filed answers denying the averments contained in the plaint and praying for a dismissal of the Respondent's action. The case proceeded to trial on 11 issues. After trial the learned Additional District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment dated 28.08.2000 the 1st Defendant Appellant (hereinafter referred to as the Appellant) has appealed to this court.

The Appellant contended that there was no agreement between the Appellant and the Respondent and in fact the Appellant had not received the

tractors stated in the statement of account. At the trial the Respondent has produced documents P 1 to P 11. Said documents have been admitted as evidence without any objections. P 1 was the agreement between the Appellant and the Respondent. P 2 was the guarantee bond. The other documents were several cheques issued by the Appellant. Furthermore, at the commencement of the trial 12 admissions have been recorded.

When I consider the said evidence I am of the view that the learned Additional District Judge has rightly concluded that the Respondent was entitled to a judgment as prayed for in the plaint.

In the said circumstances I see no reason to interfere with the said judgment of the learned Additional District Judge dated 28.08.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal