

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

C.A. No. 574/99 (F)

D.C. Kuliypitiya No.11425/M

S.R.B.M. Rajakaruna
Bamunugama,
Mirihanegama Post.

Defendant-Appellant

-Vs-

Y.M. Jayathuhami

Y.M. Kusumawathi
Both Are
Bamunugama
Mirihanegama Post.

Complainant-Respondents

C.A.No.574/99 (F)

D.C.Kuliyapitiya No.11425/M.

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

Counsel : Parties are absent and unrepresented

Argued and

Decided on : 26.03.2014

H.N.J.Perera,J.

Appellant is absent and unrepresented. On 11/2/2014 on the application of the counsel for the appellant this Court has issued notice on Registered Attorney-at-law of the appellant. The said notice has been returned with the endorsement that the said Registered Attorney -at-Law has left the given address. The appellant has failed to take steps for the substitution of the deceased 1st 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 Kuliyaipitiya.

JUDGE OF THE COURT OF APPEAL

WC/-