

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

C.A. No. 318/98 F
Kalutara Case No. 6294/P

Kalutarage Gunasoma Dharmasiri Fernando
"Siri Niwasa",
Maggonna.

Appellant

Vs.

Kalutarage Srimathi Chandralatha Fernando
Maggonna.

And Others

Respondents

BEFORE : K.T. Chitrasiri J.

COUNSEL : R. Asoka Fernando for the Plaintiff-Appellant.
H. Withanachchi with Shantha Karunadhara for the
6th Defendant-Respondent.

ARUED &
DECIDED ON : 03.04.2014

K.T. CHITRASIRI J.

Both Counsel submit that the parties who are not being represented today are alive and they are the sibling of the Plaintiff. Both Counsel submit that the dispute in this appeal is now being settled among the parties according to the terms referred to below.

1. Parties agree that the dispute in this case is now confined to lot B in plan No. 710 B prepared by B.K. P.W. Gunawardhane, Licensed Surveyor.
2. Parties further agree that the said lot B has been excluded from the corpus by the impugned judgment dated 03.04.1998 of the learned District Judge. The said lot "B" is superimposed and shown in Plan No. 513 dated 11.03.2014 drawn by D. Lasantha Hewagama L.S.
3. As a matter of settlement, the parties now agree to have a portion of the said lot B to be included in to the corpus. The said portion of the land which is to be included as a part of the corpus contains an

extent of 2.72 perches and it is shown as lot F2 in the plan No. 513 dated 11.03.2014 drawn by D. Lasantha Hewagama, Licensed Surveyor. Therefore, lot F1 in the said plan 513 to be excluded from the land sought to be partitioned.

Accordingly learned District Judge is directed to enter decree embodying lot F2 in the said plan 513 in to the corpus. Subject to the terms of settlement referred to above the judgment dated 03.04.1998 is to stand.

Subject to the above variations, this appeal is dismissed without costs. Registrar is directed to file the plan No. 513 into the docket.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

CN/-