

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

Case No. CA 551/96

DC Horana Case No. : 3666 P

Kevitiyagala Vitanage Maheepala,
Muruddeniya,
Anguruwatota.

Plaintiff-Appellants

Vs.

1. Kevitiyagala Vitanage Pedrick Singho,
Govinna, Katugodella, Retiyala.

2. Kevitiyagala Vitanage Wasanahamy,
Kolaniya, Hadigalla.

3. Kevitiyagala Vitanage Themina,
Kolaniya, Hedigalla.

4. Owitigalage Siman Perera,
Kananwila, Anguruwathota.

5. Owitigalage Abeydasa Perera,
Kananwila, Anguruwathota.

6. Owitigalage Abeyrathna Perera,
Kananwila, Anguruwathota.

7. Owitigalage Dharmadasa,
Muruddeniya, Anguruwathota.

Defendant -Respondents

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

Counsel : Ms. Manoja Gunawardana for the 7th Defendant-Respondent

7th Defendant Respondent is present in Court. Plaintiff Appellant and the 1st-6th Defendant Respondents are absent and unrepresented.

Decided on : 28.04.2014

K.T. Chitrasiri, J.

The Registrar of this court has sent notices to the parties and to their registered attorneys under registered cover directing them to be present in this court today. Notice sent to the 2nd Defendant-Respondent has been returned with the endorsement that the given address is insufficient. Notice sent to the 3rd Defendant-Respondent also has been returned with the same endorsement. Notice sent to the other parties including the appellant has not been returned.

At this stage, counsel for the 7th Defendant-Respondent informs court that the appellant has not paid the brief fees. Having

perused the docket it is seen that notices have been sent under registered cover by the Registrar, to the parties on 12.02.2009 directing them to pay brief fees.

Thereafter another notice had been sent to the parties on 07.10.2010 informing them that the Court is compelled to act under rule 13(b) of the Supreme Court rules if they do not pay the brief fees. Once again on 28.03.2014 notices have been sent to the parties, directing them to be present in this Court today. Despite all those notices, no party has paid the brief fees. Accordingly, acting in terms of Rule 13(b) of the Supreme Court rules, this appeal is rejected.

Appeal is rejected.

JUDGE OF THE COURT OF APPEAL

LA/-