

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

**In the matter of an appeal made in terms of S.  
754 of the Civil Procedure Code.**

Kulatungamudiyanselage Sarana Seelawathie  
Mathale Road, Thalgodapitiya,  
Ibbagamuwa.

**Court of Appeal Case No. CA 302/00 (F)**

D.C. Kurunegala

Case No. 5700/M

**Plaintiff**

**Vs.**

1. Seemasahitha Kurunegala Uthura  
Janathasanthaka Prawahana Sewaya,  
Badagamuwa Thorayaya.
2. Wijeratna Mudiyansele Elahunkirigedara  
Gamini,  
Near Kandupalatha School, Kandupalatha,  
Maduragoda.

**Defendants**

**And between**

1. Seemasahitha Kurunegala Uthura  
Janathasanthaka Prawahana Sewaya,  
Badagamuwa Thorayaya.
2. Wijeratna Mudiyansele Elahunkirigedara  
Gamini,  
Near Kandupalatha School, Kandupalatha,  
Maduragoda.

**1<sup>st</sup> and 2<sup>nd</sup> Defendants**

**Vs**

Kulatungamudiyanselage Sarana Seelawathie  
Mathale Road, Thalgodapitiya,  
Ibbagamuwa.

**Plaintiff - Respondent**

C.A. NO. 302/2000(F)

D.C. Kurunegala No. 5700/M

BEFORE : UPALY ABEYRATHNE, J.

COUSNEL : N. Samarasekera for the defendant-appellant.

D.H.Siriwardena for the plaintiff-respondent.

ARGUED AND

DECIDED ON : 03<sup>rd</sup> April 2014.

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**UPALY ABEYRATHNE, J.**

According to the terms of settlement the defendant-appellant has paid a sum of Rupees Three Hundred Thousand (Rs. 300,000/=) to the plaintiff-respondent by way of a cheque bearing No.191574 dated 19.03.2014. In view of the said terms of settlement, learned Counsel for the defendant-appellant makes an application to withdraw this appeal. Counsel for the respondent has no objection to this application. Accordingly, the application for withdrawal is allowed. This appeal is dismissed without costs.

Registrar is directed to send the main case record to the relevant District Court.

JUDGE OF THE COURT OF APPEAL

Kwk/=