

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

D. M. Kumarasinghe,
127/6, Police Lane,
Nuwara Eliya.

Plaintiff

C.A. No. 418 / 2000 F

Vs.

D.C. Nuwara Eliya No. 1580 / MS

1. Mahinda Seneviratne,
2. Bandula Seneviratne,
Both of 'Samanpaya',
Godagama, Mawanella.

Defendants

AND NOW BETWEEN

1. Mahinda Seneviratne,
2. Bandula Seneviratne,
Both of 'Samanpaya',
Godagama, Mawanella.

Defendant Appellants

Vs

D. M. Kumarasinghe,
127/6, Police Lane,
Nuwaraeliya.

Plaintiff Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Defendant Appellants-Absent and unrepresented
Sandamal Rajapaksa for the Plaintiff
Respondent

ARGUED ON : 03.03.2014

DECIDED ON : 17.03.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendant Appellants (hereinafter referred to as the Appellants) in the District Court of Nuwara Eliya seeking to recover a sum of Rs. 40,000/- and the interest accrued thereon.

Since the said case had been instituted under chapter 53 of the Civil Procedure Code the Appellants have filed a statement of objections seeking leave to appear and defend the case. The learned District Judge, by order dated 21.06.2000, has allowed to file an answer upon a payment of Rs 40,000/ to the credit of the case. Being aggrieved by the said order the Appellants have appealed to this court.

I have carefully considered the said statement of objections and the impugned order. I am of the view that the learned District Judge has come to a right conclusion.

In the said circumstances I see no reason to interfere with the said order of the learned District Judge dated 21.06.2000. Therefore I dismiss the appeal of the Appellants with costs.

Appeal dismissed.

Judge of the Court of Appeal