

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

**C.A. No. 1169/99(F)**

D.C. Matale Case No. 4393/L

Segu Mustapakaldin  
No: 84,  
Batagolladeniya,  
Kandy.

**Petitioner**

**-Vs.-**

Nallamuttu Welu  
No: 475,  
Trincomalee Street,  
Matale.

**Respondent**

**C.A. No. 1169/99(F)**

**D.C. Matale Case No. 4393/L.**

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

**Counsel : Appellant is absent and unrepresented.**

**Decided on : 09.05.2014.**

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**H.N.J. Perera, J**

This Court has given number of dates to the Appellant to take steps for the substitution of the deceased Defendant-Respondent in this case. Appellant is absent and unrepresented. This Court is of the view that the Appellant has not shown due diligence to prosecute this appeal. Therefore, this Court makes order abating this appeal. Appeal is abated.

Registrar is directed to send a copy of this order together with the original case record to the District Court of Matale.

JUDGE OF THE COURT OF APPEAL

AKN