

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

C.A. No. 822/99(F)

D.C. Walasmulla Case No. 60/L

Naluge Hinni Appu

Denagamage Madduhamu

Defendant-Appellant

-Vs.-

Witharanapathirana Podihami

And Others

Respondents

C.A. No. 822/99(F)

D.C. Walasmulla Case No. 60/L.

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

Counsel : Parties absent and unrepresented.

Decided on : 08.05.2014.

H.N.J. Perera, J

Counsel for the 1st Defendant- Appellant has moved for time to take steps for the substitution of the deceased 2nd Defendant-Appellant. 1st Defendant-Appellant is absent and unrepresented. This Court is of the view that the 1st Defendant-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 Walasmulla.

JUDGE OF THE COURT OF APPEAL

AKN