

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

C.A. No: 254/98(F)

D.C. Tangalle Case No: 1497/P

Kendala Vidanapat iranage Wimalaseeli
Sitinamaluawa,
Beliaatta.

Appellant

Vs.

Wilbert Weerasnghe
No.129, Main Street.
Walasmulla.

Respondent

C.A. No:254/98(F)

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D.C. Tangalle Case No:1497/P

BEFORE : K.T. CHITRASIRI, J.

COUNSEL : Chula Bandara for the 12th Defendant-Appellant.
D.M.G. Dissanayake with B.C. Balasuriya for the
1st Defendant-Respondent.

ARGUED &
DECIDED ON : 16.06.2014.

K.T. CHITRASIRI, J.

Mr. Chula Bandara submits that he is unable to take steps to substitute the heirs of the deceased 2nd, 3rd, 4th, 6th, 8th, 17th 18th, 19th and 21st defendant-respondents. Having perused the journal entries made since 25.01.2007, it is seen that number of dates have been given for the appellant to file substitution papers. The appellant has failed to file substitution papers in respect of the aforesaid parties who have died. Accordingly, Court makes order abating the appeal due to the failure of the appellant to take necessary steps for the purpose of proceeding with this appeal.

Appeal is abated.

JUDGE OF THE COURT OF APPEAL

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