

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

**Case No: C.A 1140/98(F)**

DC Walasmulla Case No: 62/M

Radampala Gamage Nandasena,  
Kudagal Ara,  
Middeniya.

**Plaintiff**

**Vs.**

Kulasiri Liyanaarachchige Ariyasiri,  
Wewagawawattha,  
Mulanyaya,  
Middeniya.

**Defendant**

**And Now between**

Kulasiri Liyanaarachchige Ariyasiri,  
Wewagawawattha,  
Mulanyaya,  
Middeniya.

**Defendant Appellant**

**Vs.**

Radampala Gamage Nandasena,  
Kudagal Ara,  
Middeniya.

**Plaintiff Respondent**

**02.07.2014**

**Before** : **K.T. Chitrasiri, J**

M.I.M. Naleem with Kelum Marasinghe for the  
Defendant-Appellant

Defendant-Appellant is present in Court.

S.A.S. Samaratunge for the Plaintiff-Respondent

Both Counsel submit that the parties to this action have arrived at a settlement of their dispute on the following terms.

The Defendant-Appellant is agreeable to pay the Plaintiff-Respondent a sum of Rs.45, 000/- as a full and final settlement of the claim that has been made in the plaint dated 15.09.1994.

The Plaintiff-Respondent is agreeable to accept the said sum of Rs.45,000/- as a full and final settlement of his claim.

The Defendant-Appellant undertakes to pay the Plaintiff-Respondent, the aforesaid sum of Rs.45, 000/- within six months from today.

Parties also agree that in the event the Defendant-Appellant fails to pay Rs.45, 000/- within a period of six months from today, the Plaintiff-

Respondent is entitle to have the decree executed without notice to the Defendant-Appellant in order to recover the said Rs.45, 000/-.

The Defendant-Appellant who is present in court undertakes to sign the record accepting the aforesaid terms of settlement.

In view of the above terms of settlement, this appeal is dismissed without costs. Learned District Judge of Walasmulla is directed to enter decree according to the aforesaid terms of settlement recorded in this Court today.

Subject to the above variations this appeal is dismissed.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

Na/-