

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

**C.A. APPEAL No: -1309/98 (F)**  
D.C. Puttalam Case No.L/567

1. M. M. S. Malkanthi Jayasinghe,

2. A. R. M. Joshuwa, (Deceased)  
Both of Pothukulama, Pallama.

Presently at No.7214, Gramodhaya  
Mawatha, Kallalgoda, Pannipitiya.

**Plaintiffs-Appellants**

**Vs.**

S. A. Bandula Perera, (Deceased)  
Nekath Rallage Muthumenika,  
S. A. Thushara Chaminda Perera,  
S. A. Kamantha Priyanka Thushari,  
S. A. Amali Bandula Perera,  
S. A. Ashara Suminda

All of Bandula Hotel,  
Anamaduwa Road, Pallama.

**Substituted 1 (a) to 1 (e)**  
**Defendant-Respondent**

W. A. Somapala,

Newton Fernando,  
All of Pothukulama, Pallama.

**Defendants - Respondents**

**02.07.2014**

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

Rohan Sahabandu PC with Dulani Warawewa for the

1<sup>st</sup> Plaintiff-Appellant

Kamran Aziz for the three Defendant-Respondents

1<sup>st</sup> plaintiff – appellant and 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> defendant – respondents are present in court.

Both Counsel submit that the parties in this case have now arrived at a settlement of their dispute. They, accordingly tender a document to this Court which contains the terms of settlement signed by the parties to the action. In addition to the signatures found at the end of the said document by which they have accepted the terms of settlement, they also have placed their signatures in three places accepting the alterations made to the terms of settlement in those three places. Parties, also undertake to sign the docket confirming the settlement that they have arrived at, today in this Court.

In the settlement referred to above, the parties also have agreed to set aside the judgment dated 25.09.1998 of the learned District Judge

in order to have the terms of settlement enforced effectively. Accordingly, the learned District Judge of Puttalam is directed to enter decree in terms of the aforesaid settlement which is found in the document dated 02.07.2014.

Subject to the above conditions, this appeal is allowed. The judgment dated 25.09.1998 is set aside. Parties are not entitled to the costs.

Registrar is directed to forward the record to the District Court of Puttalam forthwith for necessary steps.

*Appeal allowed.*

JUDGE OF THE COURT OF APPEAL

Na/-