

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

**C.A. (PHC) No. 185/2004**  
PHC Kegalle No. Rev.1650

A.C. Gunerathna  
Morawaka,  
Nelundeniya.

**Appellant**

**Vs.**

J.H. Witharana  
Nelundeniya.

And others

**Respondent**

C.A. (PHC) No.185/2004

PHC Kegalle No. Rev.1650.

BEFORE : K.T.CHITRASIRI, J. &  
MALINIE GUNARATNE, J.

COUNSEL : A.E.T. Villavarayan for the respondent-  
appellant.  
Buddika Gamage for the respondent.

ARGUED AND

DECIDED ON : 18<sup>th</sup> July, 2014.

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K.T.CHITRASIRI, J.

Counsel for the appellant submits that the appellant is now prepared to file a civil action to vindicate his rights. In view of the above, he moves to withdraw this appeal. Accordingly, the application for withdrawal is allowed and the appeal is dismissed without costs.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=