

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

**C.A. 1229/98(F)**

D.C. Kandy case No: 17816/L

Y.B.Y.K. Yapa Bandara  
No: 169/1,  
Dutugemunu Mawatha,  
Kandy.

**Plaintiff**

**Vs.**

D.G. Chandrasena  
Molagodayawatte,  
Megodagama,  
Ambatenna,  
Katugastota.

G.G.S. Chandralatha  
Molagodayawatte,  
Megodagama,  
Katugastota.

**Defendants**

C.A. 1229/98(F)

D.C. Kandy case No: 17816/L

Before : K.T. Chitrasiri,J. &

Malinie Gunartne,J.

Counsel : Upul Ranjan Hewage for the Defendant-  
Appellants.

Athula Perera for the Plaintiff-Respondent.

Argued &

Decided on : 15.07.2014

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K.T. Chitrasiri,J.

Both Counsel submit that the parties have settled the dispute in this case on the following terms:

- 1) Plaintiff-Respondent agrees to sell Lot 2 in plan 2014/56 drawn by S Kumari Wijekoon licensed surveyor; to the defendant-appellants or to a person nominated by them.
- 2) For the purpose of purchase of the land referred to above; the Defendant-Appellants are prepared to pay Rs: 743,000/- to the Plaintiff-Respondent as the sale price.

- 3) The sale to be taken place, according to the terms referred to above, on or before 31.03.2015.
- 4) If the Defendant-Appellants fail to comply with the said terms of settlement, appeal is to stand dismissed and the plaintiff-respondent is entitled to obtain writ accordingly, without notice to the Defendant-Appellants.
- 5) If the Plaintiff-Respondent fails to execute the deed, then the Defendant-Appellants are entitled to have it executed by an application made to the Registrar of District Court of Kandy, upon depositing the aforesaid sum of Rs: 743,000/-. In such an event the deed is to be executed within three months from 31.03.2015 having deposited Rs: 743,000/-. If such an occasion arises; the Registrar of the District Court is directed to execute a deed having him satisfied as to the deposit of Rs: 743,000/- in favour of the plaintiff-respondent.

The plan bearing No: 2014/56 is to be filed into the docket. Accordingly, the judgment dated 20.08.1998 is set aside.

Learned District Judge of Kandy is directed to enter decree in accordance with the terms referred to above.

Subject to the above variations, this appeal is dismissed.

*Appeal dismissed.*

Judge of the Court of Appeal

Malinie Gunaratne,J.

I agree.

Judge of the Court of Appeal

Jmr/-