

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

CA 1249/98 (F)
DC GALLE 9001/P

Don Simon Wanigaratne
Kottegewatte
Walanduwwe, Pinnaduwa

Mallika Wanigaratne
Karapitiya Cross Road
Karapitiya

Pathmini Perera
Karapitiya Cross Road
Karapitiya

Soma Subasinghe
Karapitiya Cross Road
Karapitiya

Punya Seneviratene
82/18, Wickremasinghepura,
Battaramulla

DEFENDANT APPELLANTS

Vs.

1. Vinifred Calendra Gunatillake
2. Ranjtih Sarath Wanigaratne
" Ratna " Walahanduwa, Pinnaduwa,

PLAINTIFF RESPONDENTS

CA 1249/98 (F)

DC GALLE 9001/P

BEFORE:

K.T. Chitrasiri, J. &
W.M.M. Malinie Gunaratne, J.

COUNSEL:

Punya Thanthiriwattage appears for the
Defendant-Appellant with Mr. Suwandarathne.

Nadeesha Alawatta for 1st and 2nd Plaintiff-
Respondents.

Lanka Dharmasiri for the 1st , 3rd , 4th , 5th , 6th
& 7th Defendant-Respondents

DECIDED ON: 04.08.2014.

K.T. Chitrasiri, J.

This matter is being mentioned today to effect the substitution in the room of the deceased 9th Defendant-Respondent. Counsel for the appellant was given several dates to effect the aforesaid substitution. Up to now no substitution papers have been filed. Counsel appearing for the appellant today submits that she has no instruction from the appellants. Accordingly, it is seen that the appellants are not prosecuting this appeal diligently. Unless the substitution is effected in the room of the deceased 9th Defendant-Respondent this appeal cannot be taken for argument. In the circumstances Court makes an order abating the appeal.

Appeal abated.

JUDGE OF THE COURT OF APPEAL.

W.M.M. Malinie Gunaratne, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Mm/-.