

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

**CA (PHC) 187/2004**  
PHC-BALAPITIYA-REV493/2002

Charles Sirimanna  
Induruwa

**Petitioner**

**Vs.**

Rohana Sirimanna  
Induruwa

**Respondent**

Before : **K.T. Chitrasiri, J. &  
Malinie Gunarathne, J.**

Counsel : parties are absent and unrepresented

Decided on : 13.10.2014

**K.T. Chitrasiri, J.**

When this matter was mentioned on the last occasion namely 20.05.2014, appellant was represented by a counsel. Today neither the appellant nor the counsel is present before this court. Therefore, the matter is taken up for argument in the absence of the parties.

This is an appeal seeking to set aside the judgment dated 21.07.2004 of the learned High Court Judge wherein she has vacated the order of the learned Magistrate. In the said impugned judgment, the learned High Court Judge has come to the conclusion that the dispute in this case is the question of identity of the land that the parties have claimed.

It also reveals that the disputed land is a co-owned land alleged to have been owned by the parties to the action.

Moreover, the learned High Court Judge has taken into consideration of the decision by which learned Magistrate has made order to demolish a house and also the consequences that will cause to the parties in such a situation.

Having perused the reasons of the learned High Court Judge, we are not inclined to interfere with her decisions and the reasons thereof.

For the aforesaid reasons, this appeal is dismissed.

*Appeal dismissed.*

**JUDGE OF THE COURT OF APPEAL**

**Malinie Gunarathne, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

LA/-