

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

C.A. Application. C.A. 665/98(F)

D.C. Puttalam Case No. 716/L

Abeysinghe Herath Mudiyanseelage Piyadasa
Pettukulama,
Anamaduwa.

PETITIONER

Vs.

Siyambalapitiya Arachchige Mulin Kusumalatha
Pettukulama,
Anamaduwa.

DEFENDANT

AND

Siyambalapitiya Arachchige Mulin Kusumalatha
Pettukulama,
Anamaduwa.

DEFENDANT-APPELLANT

Vs.

Abeysinghe Herath Mudiyanseelage Piyadasa
Pettukulama,
Anamaduwa.

PETITIONER- RESPONDENT

C.A. 665/98(F)

D.C.Puttalam No716/L/92

BEFORE : K. T. CHITRASIRI, J.

COUNSEL : Chula Bandara with Sudath Bandara for the
Defendant-Appellant.
Sudharshanie Cooray for the Plaintiff-
Respondent.

ARGUED AND

DECIDED ON : 17th June, 2013

K. T. CHITRASIRI, J.

The defendant-appellant is present in Court.

Both Counsel inform Court that the dispute in this matter is now settled between the parties on the following terms:-

1. The plaintiff- respondent agrees to transfer a portion of land in extent of 20 perches to the defendant-appellant from the land in dispute. The land in dispute is depicted in plan bearing No. An 1785 dated 01.06.2013 drawn by S. Mariyathas, Licensed Surveyor.
2. The portion of the land in extent of 20 perches that is to be transferred to the defendant-appellant, is to be demarcated bordering the Southern boundary of the land referred to in the said plan 1785.

3. The defendant-appellant agrees to bear the expenses for the survey to be carried out in order to demarcate the land to be transferred to him. Expenses to be incurred even for the execution of the deed to be borne by the defendant-appellant.
4. The plaintiff -respondent agrees to allow the defendant-appellant to remove the building marked "P", in the aforesaid plan No. An 1785 without any compensation being paid to the plaintiff-respondent.

In view of the above settlement, the defendant-appellant moves to withdraw this appeal. The application for withdrawal of the appeal is allowed. Accordingly the appeal is dismissed subject to the above terms of settlement arrived at in this Court by the parties to the action.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

Kwk/=