

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

C.A 137/2000 (F)

D.C Avissawella 13670/P

W.S. Weerasinghe
Kalathuwawa West,
Thummodara.

Thilakasiri Randunuge

Defendant Appellants

Vs.

L.K. Seditis
Kalathuwawa West,
Thummodara.

And 03 others

Plaintiff Respondents

C.A 137/2000 (F).

D.C Avissawella 13670/P.

Before : Upaly Abeyrathne, J.

Counsel : Respondents are absent and unrepresented.

Argued & decided on : 25.06.2013

Upaly Abeyrathne, J.

Substituted 6(a) defendant-appellant Shanthi Rathnasundari Weerasinghe is present before court. Respondents are absent and unrepresented. Substituted 6(a) defendant-appellant tendered an affidavit seeking permission of this court to withdraw the appeal. Registrar is directed to file the said affidavit of record. Application for withdrawal of the appeal is allowed. The Appeal of the Substituted 6(a) defendant-appellant is dismissed without costs.

7(a), 7(d), 9th, 13th , 5th and 12th defendant-appellants have been noticed by this court. Said notices have been returned undelivered by the Postal Authorities with an endorsements that the said 7(a), 7(d), 9th and 13th defendant-appellants are dead and 5th and 12th defendant-appellants have left the given address. Heirs of the deceased 7(a), 7(d), 9th and 13th defendant-appellants have not shown due diligence in

taking necessary steps for the purpose of prosecuting this appeal. Hence appeals of the 7(a), 7(d) 9th and 13th defendant-appellants are dismissed without costs. Since the 5th and 12th defendant-appellants are not in the given address the appeals of the said 5th and 12th defendant-appellants are also rejected without costs.

Registrar is directed to send the main record to the District Court of Avissawella.

JUDGE OF THE COURT OF APPEAL

Vkg/-