

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

**C.A. (PHC) No.114/2012**

P.H.C. Galle (Rev.) No. 756/10

Kariyawasam Mudalige Nalin Chaminda

Hettigoda Liyanage Niluka Kumari

Pahalawatte,  
Hiriyamalkumbura.

**Appellants**

**Vs.**

Okanda Watte Hewage Dayawathi  
Borupagodawatte,  
Hiriyamalkumbura.

And Others

**Respondents**

C.A. (PHC) No.114/2012

P.H.C. Galle (Rev.) No. 756/10

BEFORE : A.W.A.SALAM, J. &

SUNIL RAJAPAKSHE, J.

COUSNEL : Appellant absent and unrepresented

ARGUED AND

DECIDED ON : 31<sup>st</sup> July, 2013.

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**A.W.A.SALAM, J.**

Appellant absent and unrepresented. On 12.03.2012, the Registrar has been directed to prepare the appeal briefs and then notify the parties. Subsequently, the Registrar has put up a minute dated 21.06.2013 by which he has informed Court, that the appellant has failed to deposit brief fees. As such, the direction to prepare the briefs on 12.03.2013 appears to have been entered by inadvertence. The appellant has been notified by notice dated 28.02.2013 to deposit the brief fees on or before 11.03.2013. The notice despatched to be served on the appellant has not been returned and therefore factually presumed to have been served.

As the appellant has failed to deposit the brief fees within the time frame fixed by the notice sent to him, this appeal now stands rejected in terms of Rule 13(b) of the preparation of appeal briefs - Court of Appeal-1978.

JUDGE OF THE COURT OF APPEAL

**SUNIL RAJAPAKSHE, J.**

I agree.

JUDGE OF THE COURT OF APPEAL

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