

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

K. Kanagasingham,
No. 22, Abdul Jabbar Mawatha,
Colombo 12.

Plaintiff

C.A. No. 175 / 2000 F

Vs.

D.C. Colombo No. 14086 / MR

Mrs. Balambihai Thevaraj,
No 140, 1st Floor,
Maha Vidyalaya Mawatha(Baber Street),
Colombo 13.

Defendant

AND NOW BETWEEN

Mrs. Balambihai Thevaraj,
No 140, 1st Floor,
Maha Vidyalaya Mawatha(Baber Street),
Colombo 13.

Defendant Appellant

Vs

K. Kanagasingham,
No. 22, Abdul Jabbar Mawatha,
Colombo 12.

Plaintiff Respondent

COUNSEL : Defendant Appellant is absent and
unrepresented
Plaintiff Respondent is absent and
unrepresented

DECIDED ON : 31.07.2013

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted the said action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Colombo seeking to recover a sum of Rs. 100,000/- from the Appellant upon a cheque bearing No 593092 dated 15th July 1992 which had been returned dishonoured when presented for payment with an endorsement 'refer to the drawer'. The Appellant denying the averments contained in the plaint prayed for a dismissal of the Respondent's action.

The case proceeded to trial on 14 issues. After trial the learned District Judge has delivered a judgment in favour of the Respondent. Being aggrieved by the said judgment delivered on 31.03.2000 the Appellant has appealed to this court.

At the trial, the Respondent has closed his case leading the evidence of the Respondent and producing documents marked P 1 to P 12. The Appellant has not challenged the said documents. Also the Appellant has not led any evidence on his behalf.

In the circumstances when I consider the said evidence I am of the view that the learned District Judge has rightly concluded that the Respondent was entitled to a judgment as prayed for in the plaint.

Hence I see no reason to interfere with the said judgement of the learned District Judge dated 31.03.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal