

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

Koongala Wickramage Sisiliyana,  
Land No. 986, Therunkatuwa,  
Thunkama.

Plaintiff

C.A. No. 935 / 2000 F

**Vs.**

D.C. Embilipitiya No. 4777 / L

1. Deni Rubasinghe,
2. Dayawathie Wickrema Arachchi,  
Therunkatuwa,  
Thunkama.

Defendants

**AND NOW BETWEEN**

Koongala Wickramage Sisiliyana,  
Land No. 986, Therunkatuwa,  
Thunkama.

Plaintiff Appellant

**Vs**

1. Deni Rubasinghe,
2. Dayawathie Wickrema Arachchi,  
Therunkatuwa,  
Thunkama.

Defendant Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Plaintiff Appellant - Absent and unrepresented  
Defendant Respondents - Absent and  
unrepresented

DECIDED ON : 15.11.2013

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted the said action against the Defendant Respondents (hereinafter referred to as the Respondents) in the District Court of Embilipitiya seeking inter alia a declaration of title to the land described in the 1<sup>st</sup> schedule to the plaint.

The Respondents have filed an answer denying the averments contained in the plaint and praying for a dismissal of the Appellant's action. In addition the Respondents have made a claim in reconvention. The case proceeded to trial on 14 issues. After trial the learned District judge has dismissed the Appellant's action and the claim in reconvention. Being aggrieved by the said judgment dated 12.07.2000 the Appellant has appealed to this Court.

The Appellant has set out several grounds of appeal in paragraph 04 of the petition of appeal. His main grievance was that the learned District Judge has misdirected himself on the facts and law.

I have carefully considered the impugned judgment of the learned District Judge and the evidence adduced at the trial. When I consider the said evidence I am of the view that the learned trial judge has come to a right conclusion considering the evidence led before court.

In the said circumstances I see no reason to interfere with the said judgement of the learned District Judge dated 12.07.2000. Therefore I dismiss the appeal of the Appellant with costs.

*Appeal dismissed.*

Judge of the Court of Appeal