

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

In the matter of an appeal in terms of section 13(3) of the Judicature Act No.2 of 1978 as amended against the Judgment dated 7.06.2013 of the High Court of the Democratic Socialist Republic of Sri Lanka in the exercise of its Admiralty Jurisdiction.

Master Divers (Pvt.) Limited.

Maritime Centre,

No.234, Galled Road,

Colombo 3.

**Plaintiff-Appellant.**

**C.A. Appeal No. Action in Rem/01/2013**

**Commercial High Court-Colombo**

**No. Action in Rem 07/2005**

Vs.

1. Vessel/Barge **"Formentera"**

Now lying at the Port of Galle,

2. **Mundogas S.A,**

1701, 17<sup>th</sup> Floor,

57-59, Connaught Road C,

Hong Kong.

**Defendant-Respondents**

BEFORE : SISIRA J. DE ABREW, J (ACTING P/CA) &  
P.W.D.C.JAYATHILAKA, J.

COUNSEL : Appellant is absent and unrepresented.  
Dulindra Rodrigo with Senaka Gunasekera for  
the Respondent.

ARGUED AND

DECIDED ON : 23<sup>rd</sup> January, 2014.

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**SISIRA J. DE ABREW, J.(ACTING P/CA)**

Appellant is absent and unrepresented. The Registrar of this Court, by his letter dated 10.09.2013 sent a notice to the appellant directing him to pay the appeal brief fees on or before 22.10.2013. The appellant has failed to comply with the said notice. Thereafter, on an order issued by this Court, the Registrar of this Court by his letter dated 14.12.2013 directed the appellant to pay brief fees on or before 22.01.2014. The appellant has failed to respond to the said notice also.

In the circumstances, we hold that the appellant does not take due diligence to prosecute this appeal. Therefore, we acting under Rule 13 and Rule 34 of the Supreme Court Rules, dismiss the appeal.

*Appeal dismissed.*

ACTING PRESIDENT OF THE COURT OF APPEAL

**P.W.D.C.JAYATHILAKA, J.**

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=