

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

Case No. CA 933/00 (F)
DC Embilipitiya 3656/L

Omere Hemaloka Thero,
Purana Raja Maha Viharaya,
Walalagoda,
Embilipitiya.

Presently at

Sri Gunandha Piriwena, Lalpa,
Karathota,
Hakmana.

Petitioner

-Vs-

Kudagoda Hemaratne Thero (Deceased),
Gangaramaya,
Walalagoda,
Lelwala,
Embilipitiya.

Plaintiff Appellant
Respondent

CA 933/2000 (F)

D.C. EMBILIPITIYA-3656/L

Before : **Upaly Abeyrathne, J.**

Counsel : Uditha Egalahewa, PC for the Appellant

Decided on : 19.02.2014

Upaly Abeyrathne, J.

Learned counsel for the Defendant-Respondent informs Court that the Plaintiff-Appellant and the Defendant-Respondent are dead. The Appellant has not taken steps to file papers for substitution. It is apparent from the minutes dated 23.01.2014 that the counsel who appeared on behalf of the plaintiff appellant has informed court that he has no instructions to appear on behalf of the Appellant.

It seems to me that the Appellant has not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. Hence, appeal is dismissed without costs.

Registrar is directed to send the main record to the relevant District Court.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

LA/-