

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

C.A.540/99

D.C. Kuliyaipitiya Case No: 6825/P

Ven. Baragedara Piyatissa Thero
Sri Pushparamaya,
Thawella,
Dummalasuriya.

Petitioner

-Vs-

H. Noihami

W.R. Wilbert Fernando

Both Are
Habarawewa,
Dummalasuriya.

Respondents

C.A. 540/99

D.C. Kuliypitiya Case No: 6825/P

BEFORE : H.N.J. Perera,J.

COUNSEL : 6th Defendant-Appellant is absent
and unrepresented.
M.C. Jayarathne with M.D.J. Bandara for the Plaintiff-
Respondent

DECIDED ON : 29.04.2014

H.N.J. Perera,J.

On a perusal of the docket it is seen that the 1st,2nd,3rd and 5th respondents in this case are dead. The 6th Defendant-Appellant has failed to take steps for the substitution of the said deceased respondents in this case. This Court is of the view that the 6th Defendant-Appellant has not shown due diligence to prosecute this appeal. Therefore I make order abating this appeal..

Appeal is abated.

JUDGE OF THE COURT OF APPEAL

Jmr/-