

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

**C.A. No: 980/98 (F)**

D.C. Kandy No: 9713/P

K.M. Dissanayake,  
No:82, Marathugoda,  
Pujapitiya.

**2a. Substituted Defendant-  
Appellant-Petitioner**

**Vs.**

H.M. Anulawathie Kumarihamy,  
Taghalagahamula Kotuwa, Marathugoda,  
Pujapitiya.

**Substituted- Plaintiff-  
Respondent-Respondent**

P.M. Karunaratne, Arambegedara  
Alagoda, Pujapitiya.

**1<sup>st</sup> Defendant-Respondent-  
Respondent**

Harankah,awa Dhammananda Thero,(Deceased)  
Illagolla Temple,  
Harankahawa.

**3rd Defendant-Respondent-  
Respondent**

Udagaladebokke Gunananda Thero  
(Party sought to be substituted in the room  
of the deceased 3rd Defendant-Respondent).

**Respondent**

**C.A. No. 980/98(F)**

**D.C. Kandy Case No. 9713/P**

Before : **K.T. CHITRASIRI, J.**

Counsel : S.A.D.S. Suraweera with S. N. Wijithsingh  
for the Substituted 2nd Defendant-  
Appellant

I.Kroon with Buddika Gamage for the  
1<sup>st</sup> Defendant-Respondent

D. H. Siriwardane with Parakkrama  
Wickremarathne for the Substituted-Plaintiff-  
Respondent

Pubudu de Silva with S. Mallawarachchi for  
Substituted 3<sup>rd</sup> Defendant-Respondent

Argued and Decided on : 01.04.2014

**K. T. CHITRASIRI, J.**

When this matter was taken up for argument on 11.03.2014, after having heard the Counsel, Court made order setting aside the judgment dated 30.10.1998 of the learned District Judge of Kandy. However, on that date Court further decided to re-fix this matter for today, allowing the parties to inform Court of any settlement, in the event if such a

settlement is possible. Counsel appearing today inform Court that there is no settlement amongst the parties concerned.

Therefore, learned District Judge in Kandy is directed to act in terms of the judgment dated 14.05.1993 pronounced by the Court of Appeal since this Court has made order on 11.03.2014, setting aside the proceedings taken place since 22.3.1996 in the District Court of Kandy.

*Appeal allowed. No costs.*

**JUDGE OF THE COURT OF APPEAL**

/mds