

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

Kariyawasam Idipolage Leelawathie,
Ingiriyawtta,
Thaligama.

C.A. No. 08 / 2000 (F)

Plaintiff

Vs.

D.C. Avissawella No. 18881 / L

Sapu Arachchilage Ariyaratna,
Ingiriyawatta,
Thaligama.

Defendant

And Now Between

Sapu Arachchilage Ariyaratna,
Ingiriyawatta,
Thaligama.

Defendant-Appellant

Vs

Kariyawasam Idipolage Leelawathie,
Ingiriyawtta,
Thaligama.

Plaintiff -Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Defendant Appellant – Absent and
Unrepresented
Plaintiff Respondent - Absent and
Unrepresented

DECIDED ON : 24.03.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted an action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Avissawella seeking for a declaration of title to the land described in the schedule to the plaint. The Appellant filed an answer denying the averments contained in the plaint and praying for a dismissal of the Respondent's action and for a declaration of title to lot 2 depicted in plan bearing No 381. The case proceeded to trial upon 16 issues. After trial, the learned Additional District Judge has delivered a judgement in favour of the Respondent. Being aggrieved by the said judgment dated 17.12.1999 the Appellant has preferred the present appeal to this court.

The Appellant has set out several grounds of appeal. It seems from the said grounds of appeal that the Appellant's main grievance was that the learned Additional District Judge has failed to evaluate the evidence of the case.

I have examined the said judgment of the learned Additional District Judge and the evidence of the case. When I consider the said evidence I am of the view that the Appellant has failed to prove his prescriptive title on a balance of probability. Hence I see no reason to interfere with the said judgement of the learned Additional District Judge dated 17.12.1999. Therefore I dismiss the appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal