

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

Rajapaksa Watte Vidanalage Baba Nona,
“Gangasiri”, Ethundambuwwa,
Arawakumbura.

C.A. No. 1279 / 2000 (F)

Plaintiff

Vs.

D.C. Monaragala No. 1517 / L

H. M. Siriwardana,
Mutthettuyaya,
Kindagalla,
Nagala, Bibila.

Defendant

And Now Between

H. M. Siriwardana,
Mutthettuyaya,
Kindagalla,
Nagala, Bibila.

Defendant-Appellant

Vs

Rajapaksa Watte Vidanalage Baba Nona,
“Gangasiri”, Ethundambuwwa,
Arawakumbura.

Plaintiff -Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Defendant Appellant – Absent and
Unrepresented
Prasanna Manatunge for the Plaintiff
Respondent

ARGUED ON : 16.01.2014

DECIDED ON : 31.03.2014

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 Monaragala 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. 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 29.11.2000 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 judgment of the learned Additional District Judge and the evidence of the case. The Respondent has produced his title deeds marked P 1 and P 2 in order to prove his title. The Appellant has not challenged the said title deeds. When I consider the said evidence I am of the view that the Appellant has failed to prove his case on a balance of probability. Hence I see no reason to interfere with the said judgement of the learned Additional District Judge dated 29.11.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal