

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

Kariyawasam Thawalama Gamage
Chandrapala Wijewardena,
'Wijaya Sevana',
Wakwella, Galle.

Plaintiff

C.A. No. 434 / 2000 F

Vs.

D.C. Ratnapura No. 7657 / P

1. U. A. Ratnapala,
2. A. K. Piyadasa,
Both of Pathakada,
Nivithigala.
3. Gangulvitiye Jinarathana Thero,
Sri Sadhdharmaramaya,
Pelmadulla.

Defendants

AND NOW BETWEEN

Kariyawasam Thawalama Gamage
Chandrapala Wijewardena,
'Wijaya Sevana',
Wakwella, Galle.

Plaintiff Appellant

Vs

1. U. A. Ratnapala,
2. A. K. Piyadasa,
Both of Pathakada,
Nivithigala.
3. Gangulvitiye Jinarathana Thero,
Sri Sadhdharmaramaya,
Pelmadulla.

Defendant Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSELS : Plaintiff Appellant-Absent and unrepresented
Anurudhdha Darmaratne with Indika Jayatissa
for the Defendant Respondents

ARGUED ON : 24.01.2014

DECIDED ON : 28.04.2014

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted the said action against the Defendant Respondents (hereinafter referred to as the Respondents) in the District Court of Ratnapura seeking a judgment to partition the land described in the schedule to the plaint.

The 3rd Defendant Respondent has filed a statement of claim praying for a dismissal of the Appellant's action and for a declaration to the land described in the schedule to the plaint.

After the framing of issues the learned District Judge has dismissed the Appellant's action on the basis that the land in suit was subject to a charitable trust. Being aggrieved by the said order dated 13.07.2000 the Appellant has appealed to this Court.

The Appellant has set out several grounds of appeal in paragraph 08 of the petition of appeal. But the Appellant has not shown due diligence in prosecuting this appeal.

In the said circumstances I see no reason to interfere with the said order of the learned District Judge dated 13.07.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal