

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

Mohamed Bari,
No. 20, Malwatta Road,
Dehiwala.

C.A. No. 304 / 2000 F
D.C. Balapitiya No. 240/RE

Plaintiff

Vs.

Associated Hotel Company Ltd,
No. 263, Galle Road,
Colombo 3.

Defendant

AND

Mohamed Bari,
No. 20, Malwatta Road,
Dehiwala.

Plaintiff Petitioner

Associated Hotel Company Ltd,
No. 263, Galle Road,
Colombo 3.

Defendant Respondent

And Now Between

Mohamed Bari,
No. 20, Malwatta Road,
Dehiwala.

Plaintiff Petitioner-Appellant

Vs

Associated Hotel Company Ltd,
No. 263, Galle Road,
Colombo 3.

Defendant Respondent-Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Plaintiff Petitioner Appellant – Absent and
unrepresented
: Defendant Respondent-Respondent– Absent
and unrepresented

DECIDED ON : 25.02.2014

UPALY ABEYRATHNE, J.

The present appeal has been preferred by the Plaintiff Petitioner-Appellant (hereinafter referred to as the Appellant) from the order of the learned District Judge of Balapitiya dated 06.06.2000.

The Appellant instituted an action against the Defendant Respondent-Respondent in the District Court of Balapitiya seeking inter alia a declaration as prayed for in prayer ‘a’ of the plaint. On the date of trial the Appellant was absent in Court. The Counsel for the Appellant had informed Court that he had no instructions to appear and prosecute the case. Thereafter the learned trial Judge had

dismissed the action of the Appellant. Thereafter the Appellant had made an application to vacate the said order of dismissal of the action. The Respondent had filed a statement of objection to the said application. After an inquiry the learned District judge has dismissed the said Application of the Appellant. This appeal is against the said order.

I have carefully considered the impugned order of the learned District Judge and the evidence adduced at the inquiry. When I consider the said evidence I am of the view that the learned trial judge has come to a right conclusion after evaluating the evidence led before court.

In the said circumstances I see no reason to interfere with the said order of the learned District Judge dated 06.06.2000. Therefore I dismiss the appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal