

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

Meragngnage Padmasiri Bandula Vijitha
Salgadu,
No. 644, 'Jesminvila',
Galle Road, Nalluruwa,
Panadura.

C.A. No. 1314 / 2000 (F)

Plaintiff

Vs.

D.C. Panadura No. 221 / L

1. Guruge Sarath Fernando,
2. Guruge Ajith Fernando,
3. Guruge Sugath Fernando,
4. Guruge Chandrika Fernando,
All of No 351, Galle Road,
Nalluruwa, Panadura.
Defendants

And Now Between

Guruge Ajith Fernando,
No 351, Galle Road,
Nalluruwa, Panadura.

2nd Defendant-Appellant

Vs

Meragngnage Padmasiri Bandula Vijitha
Salgadu,
No. 644, 'Jesminvila',
Galle Road, Nalluruwa,
Pananura.

Plaintiff -Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : 2nd Defendant Appellant – Absent and
Unrepresented
Thilan Liyanage with Sudesh
Fernando for the Plaintiff Respondent

ARGUED ON : 25.02.2014

DECIDED ON : 12.03.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted an action against the 1st to 4th Defendants in the District Court of Panadura seeking for a declaration of title to the land described in the schedule to the plaint and to eject the Defendants from the said land. The Defendants 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 12 issues. After trial, the learned District Judge has delivered a judgement in favour of the Respondent. Being aggrieved by the said judgment dated 29.11.2000 the 2nd defendant Appellant (hereinafter referred to as the Appellant) has preferred the present appeal to this court.

In paragraph 03 of the petition of appeal the Appellant has set out several grounds of appeal. It seems from the said grounds of appeal that the main grievance of the Appellant was that the learned District Judge has failed to evaluate the evidence adduced on behalf of the Appellant. I have examined the evidence led

at the trial and the impugned judgment. 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 judgement of the learned District Judge dated 29.11.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal