

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

C.A. No. 1308/2000(F)

D.C.Panadura Case No. 176/P

R. Chaly Fernando
Paragastota

Petitioner

-Vs.-

Omantage Kustan Fernando

And Others

Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Appellant is absent and unrepresented.
Buddhika Gamage for the respondent

ARGUED AND

DECIDED ON : 01st April, 2014

UPALY ABEYRATHNE, J.

According to the minutes dated 28.01.2014 the death certificate of the plaintiff-appellant which has been sent by the wife of the plaintiff-appellant has been filed of record. In addition to the said death certificate, wife of the said plaintiff-appellant has informed Court that she does not wish to proceed with the appeal. It appears that the heirs of the deceased appellant have not shown due diligence in taking necessary steps for the purpose of prosecuting this appeal. In the said circumstances, I dismiss the appeal of the appellant without costs.

Registrar is directed to send the main case record to the relevant District Court.

JUDGE OF THE COURT OF APPEAL

Kwk/=