

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

C.A. (PHC) No. 58/09

P.H.C.Kegalle No.2514/Writ

S.H. Jinadasa

M.K.R. Kalyani

Petitioner-Appellant

Vs.

W. Karunathilake

And others

Respondents - Respondents

C.A. (PHC) No. 58/09

P.H.C.Kegalle No.2514/Writ

Before : K.T.Chitrasiri,J. &
W.M.M.Malinie Gunaratne,J.

Counsel : Lal Matharage for the Petitioner-
Appellants.

Mahinda Nanayakkara with Bimal
Wijewardena for the 1st Respondent-
Respondent.

2nd Respondent is absent and
unrepresented.

Chairman of the Co-operative Society of
the 1st Respondent Ananda Dharmasiri
Walisinghe is present in Court.

1st Appellant is present in Court.

Argued and
Decided on : 24.07.2014

K.T.Chitrasiri,J.

Counsel for the Appellants and the Counsel for the 1st Respondent
submit that this dispute is now settled among the parties on the following
terms:-

1. The petitioner- appellants are to pay Rs.800,000/- to the

1st Respondent within a period of two months from today.

Accordingly, the appellants are to pay Rs 800,000/- on or before 24/9/2014 to the 1st respondent Co-operative Society.

2. In the event the appellants pay Rs.800,000/- as mentioned before, the 1st respondent undertakes to cancel the Mortgage Bond bearing No.29 dated 04/3/1998 attested by E.K.Nanayakkara Notary Public within a period of one week, from the date of payment, made by the appellants.
3. If the appellants fail to pay the money referred to above as undertaken, the 1st respondent Co-operative Society has the right to enforce the order dated 24.11.2005 delivered by the 3rd respondent who is the Arbitrator.
4. The appellants are to make the payment at the office of the 1st respondent Co-operative Society.
5. The appellants are entitled to have the Mortgage Bond cancelled by making an application to the Registrar of the High Court of Kegalle, in the event the 1st respondent fails to cancel the Mortgage Bond upon the payment of Rs.800,000/- made by the appellants.

The parties who are present in Court sign the record accepting the aforesaid terms of settlement.

Accordingly, this Court makes an order directing the parties to abide by the terms of settlement mentioned above. In view of the above settlement the proceedings in this Court are terminated.

Proceedings terminated.

JUDGE OF THE COURT OF APPEAL

W.M.M. Malinie Gunaratne,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-