

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

C.A. (PHC) 216/2005

PHC Anuradhapura 59/2002 Rev.

Saribu Sabai,
Ihalla Agunachchiya,
Horowpathana.

Vs.

**Respondent-Petitioner-
Appellant**

Divisional Secretary,
Divisional Secretariat,
Horowpathana.

**Applicant-Respondent-
Respondent**

C.A. (PHC) 216/2005 - PHC Anuradhapura 59/2002 Rev.

BEFORE : K.T. CHITRASIRI, J. &
MALINIE GUNARATNE, J

COUNSEL : Mahanama de Silva with Nadeeka Senanayake
for the Respondent-Petitioner-Appellant.

Nayomi Kahawita SC for the Applicant-Respondent-
Respondent.

ARGUED &
DECIDED ON : 24.09.2014.

K.T. CHITRASIRI, J.

Learned Counsel for the appellant submits that the land referred to in the quit notice marked 'X' which appears at page 44 of the appeal brief is in respect of a land situated in the Morakewa Grama Niladhari Division which is assigned the No.127. Therefore he submits that the appellant does not mind executing the decree in respect of the land referred to in the aforesaid quit notice found at page 44 in the appeal brief.

In the circumstances, it is clear that the appellant is not objecting to the decree being executed in respect of the land that this action is filed in the Magistrate's Court of Kebitigollewa.

Therefore it is not necessary to make any other order considering the submissions of the learned Counsel for the appellant.

However, the respondent is entitled to have the decree executed in order to have the order of the learned Magistrate dated 29.08.2002 implemented. For the aforesaid reasons, this appeal is dismissed without costs.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

MALINIE GUNARATNE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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