

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

CA (PHC) 166/2003

PHC-HAMBANTOTA-73/2003

MC-HAMBANTOTA-30047

W. Yasantha Chandrakumara,
Sesatha Rice Whole Sale Trade Centre
No.460/06, Ranna Road,
Angunakolapelessa.

Petitioner-Appellant

-Vs-

Muthumala Patabendige Ariyadasa,
Near Gaspala, Ranna Road,
Angunakolapelessa.

Petitioner-Respondent-Respondent

CA (PHC) 166/2003

PHC-HAMBANTOTA-73/2003

MC-HAMBANTOTA-30047

Before : K.T. Chitrasiri, J &
P.R. Walgama, J.

Counsel : Neranjan Jayasinghe for the Petitioner-
Appellant

Saliya Pieris for the Respondent-
Respondent

Petitioner is present in court.

Decided on : 05.02.2015

K.T. Chitrasiri, J.

Learned counsel for the appellant submits that the appellant is seeking to withdraw this appeal provided the learned Magistrate is directed to issue writ once again complying with the order of the learned High Court Judge.

Learned counsel for the Respondent has no objection to make such a direction on the learned Magistrate to have his order dated 26.06.2002 executed a fresh. He also agrees to make an order to the fiscal in the Magistrate's Court, Hambantota directing him to inform the petitioner-appellant of the date and the time of the execution of the writ.

In view of the above submissions, we direct the learned Magistrate to make an order to the Fiscal of that court to execute writ in order to implement the order dated 26.06.2002.

The Fiscal of that court also is directed to inform the time and the date of the execution of writ, to the petitioner-appellant giving sufficient notice. The said notice is to be sent to the address given in the petition of appeal.

The petitioner-appellant reserves the right to object to the execution of the writ at the proper time.

Subject to the above conditions, application for the withdrawal of the appeal is allowed. Accordingly, this appeal is dismissed subject to the conditions referred to above.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

P.R. Walgama, J.

I agree.

JUDGE OF THE COURT OF APPEAL

LA/-