

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

CA (PHC) 36/2011

Hambanthota HC Court Case No. HCRA 02/2011

Dona Prema Kurugama Disanayeka
No.36, Suqi Niwasa,
Siribopura,
Hambanthota

Petitioner-Petitioner-Appellant

Vs.

S.J. Ranasinghe Disanayake
Tharanga Niwasa, Beliatta Road,
Polommatuwa, Tengalle.

Mohemad Lafeer

Mohemad Thawfeek

Both of
No. 71, Kadaweediya,
Hambanthota.

Dona Podinona Kurugama Disanayeka
No.36, Suqi Niwasa,
Siribopura,
Hambanthota

Dona Nonahami Kurugama Disanayeka
No.3, Delkada Road,
Matara.

Respondents-Respondents-Respondents

C. A.(PHC)No.36/2011

P.H.C Hambanthota 02/2011

Before

: K.K.Wickremasinghe,J. and
P.Padman Surasena,J.

Counsel

: Gunasena Thenabadu with Yasith
Hirimburegama for the Petitioner
Lilanthi Kumari for the Respondent.

Argued and

Decided on

: 21.06.2017

P.Padman Surasena,J.

This Court has terminated the proceedings in this case and the order relevant to it ^{was} ~~case~~ delivered on 2017/06/02. The Bench ^(here) comprised of Hon. H.C.J.Madawala J. and Hon. P.Padman ^a ~~Surasena~~^a, J. The said order was delivered pursuant to the terms of the settlement agreed upon by both parties.

However before signing the said order Hon. Justice H.C.J.Madawala passed away.

Today counsel for both parties before this Court agreed that they would still abide by the said terms of settlement and the said order delivered by this Court on 2017/6/02.

Hon. K.K.Wickremasinghe, J. who is the other Judge sits in this Court today, agreed with the order so delivered by this Court on 2017.06.21.

Hence the said order is re pronounced by this Court [↓] today as requested by Counsel for ~~the~~ both parties.

In this case both parties namely the petitioner-petitioner-appellant and 1st – 5th respondent-respondent-respondents have filed a joint motion setting out terms of settlement. Learned counsel who appears today for the petitioner and the learned counsel who appears for the 1st – 5th respondents confirmed in Court that the parties would abide by the terms of settlement that has already been filed. They also agree that suitable directions from this Court be given to the learned Magistrate to enforce the terms of settlement.

In view of this agreement learned Magistrate of Hambanthota is directed to enforce the terms of settlement namely,

The first respondent above named Sumanasiri Jayalath Ranasinghe Disanayaka has agreed to hand over the vacant possession to the petitioner-appellant above named Dona Prema Kurugama Disanayaka by ejecting the first respondent's all agents, servants, representatives and other persons from the land described in the schedule hereto on or before the 12th day of April 2017.

In the event of the 1st respondent his servants and agents failure to hand over possession of the land described in the schedule hereto on or before the 12th day of April 2017 the petitioner-petitioner-appellant is entitled to execute writ against the

1st respondent's all agents servants, representatives and other persons to obtain vacant possession of the said land.

The above named petitioner appellant Dona Prema Kurugama Disanayaka reserves rights to eject the first respondent, first respondent's all agents, servants, representatives and other persons from the subject matter morefully described in the schedule hereto by obtaining a court order from the Magistrate's Court of Hambanthota in the event of the first respondent violate the aforesaid terms and conditions.

Subject to the terms of above settlement proceedings in this case is terminated. Learned Magistrate of Hambantota is directed to enforce the above terms of settlement.

Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

K.K.Wickremasinghe,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-