

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

In the matter of an application for Restitutio-in-
Integrum and/or Revision under Article 138 of
the Constitution of the Republic of Sri Lanka.

Taprospa Resort (Private) Limited,
No.10, Gnanartha Pradeepa Mawatha,
Colombo - 08.

C.A.Application No.CA RI/27/2017
D.C.Nuwara Eliya Case No. SPL 175/2016

PLAINTIFF

Vs.

Agalawatte Plantations PLC,
Level RF, Brown Capital Building,
No.19, Dudley Senanayake Mawatha,
Colombo - 08.

DEFENDANT

AND

**In the matter of an application to punish ...
for contempt of Court under Section 183B of
the Civil Procedure Code.**

Agalawatte Plantations PLC,
Level RF, Brown Capital Building,
No.19, Dudley Senanayake Mawatha,
Colombo-08.

DEFENDANT-PETITIONER

Vs.

Taprospa Resort (Private) Limited,
No.10, Gnanartha Pradeepa Mawatha,
Colombo - 08.

PLAINTIFF-RESPONDENT

Harshan Yudeshwara Coswattte,
No.166A, Lakshapathiya Road,
Moratuwa.

RESPONDENT

AND NOW

Taprospa Resort (Private) Limited,
No.10, Gnanartha Pradeepa Mawatha,
Colombo - 08.

**PLAINTIFF-RESPONDENT-
PETITIONER**

Harshan Yudeshwara Coswattte,
No.166A, Lakshapathiya Road,
Moratuwa.

RESPONDENT-PETITIONER

Vs.

Agalawatte Plantations PLC,
Level RF, Brown Capital Building,
No.19, Dudley Senanayake Mawatha,
Colombo-08.

Presently at

c/o Nexia Corporate Consultants (Private)
Limited,
No.181, 1st Floor, Nawala Road,
Narahenpita.

Present place of business at

No.361, Kandy Road,
Nittambuwa.

**DEFENDANT-PETITIONER-
RESPONDENT**

**TO: HIS LORDSHIP THE PRESIDENT AND THEIR LORDSHIPS THE OTHER
HONOURABLE JUDGES OF THE COURT OF APPEAL OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

WHEREAS when the above matter came up on 30th August, 2018 Counsel for the Plaintiff-Respondent-Petitioner and the representatives of the Plaintiff-Respondent-Petitioner were not present.

AND WHEREAS in D.C.Nuwara Eliya Case No.175/2016/SPL the Plaintiff-Respondent-Petitioner had filed contempt of Court proceedings against the Defendant-Petitioner-Respondent and some of its Directors and the Defendant-Petitioner-Respondent had also filed contempt of Court proceedings against the Plaintiff-Respondent-Petitioner and some of its Directors.

C.A. RI/ 27/2017

D.C. Nuwara Eliya - Case no: SPL 175/2016

BEFORE : **A.H.M.D. Nawaz, J.**

COUNSEL : S.A. Parathalingam, PC, N.R. Sivendran,
H.M.G. Senanayake and Renuka Udumulla for
the Defendant-Petitioner-Respondent.

DECIDED ON : 25/09/2018

A.H.M.D. Nawaz, J.

The contempt proceedings have been withdrawn and dismissed including the application filed by the Defendant-Petitioner-Respondent against the Plaintiff-Respondent-Petitioner and its directors.

Vide the motion filed dated 19/09/2018. In the circumstances, the necessity to make an order on the substantive matter does not arise and this Court proceeds to dismiss this application without costs.

JUDGE OF THE COURT OF APPEAL

Tns/-