

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

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

C.A. No:1305/01(Rev)  
D.C. Homagama  
Case No:75/P

1. Dhammearachchige Don Dayaratne,  
No:55, 1<sup>st</sup> Lane, Siddamulla.
- (Deceased) 2. Gamachchige Vithanage Helen Perera,  
No:32, Dayanagoda Road, Galle.
- 2A. Pathma Malanee Nagoda Vithanage,  
No:30 A/72,  
Rukmalgama Housing Scheme,  
Pannipitiya.

**Petitioners.**

Vs:

1. Wattegedera Nandawathie Perera,  
No:376, Highlevel Road, Navinna,  
Maharagama.
- (Deceased) 2. Rajapaksa Kankanige alias Mohottige  
David alias Jamis.
- 2A. Wedumpuli Arachchige Misinona,  
2B. Rajapakse Kankanilage Kanthi,  
2C. Rajapakse Kankanilage Asoka,  
2D. Rajapakse Kankanilage Dhammika,  
2E. Rajapakse Kankanilage Sumith,  
2F. Rajapakse Kankanilage Sugath,  
2G. Rajapakse Kankanilage Mallika,  
All of No:27, Hiripitiya, Pannipitiya.
- (Deceased) 3. Rajapakse Kankanige alias MOhottige  
Surabiel,

- 3a. R.M.K. Ariyawathie,  
No.27/5, Hiripitiya, Pannipitiya.

**Plaintiff-Respondent-Respondents.**

1. Kankanige Romiyel,  
1a. Uduwarage Wimalawathie Perera,  
58/20, Hiripitiya,  
Pannipitiya.
- (Deceased) 2. Rajapakse Kankanilage alias Mohottige  
Suwaris,  
Rukmale, Pannipitiya.
- 2A. Kapparage Kamalawathie,  
2B. Rajapakse Kankanilage alias Kankanige  
Sunil,  
2C. Rajapakse Kankanilage alias Kankanige  
Nimal,  
2D. Rajapakse Kankanilage alias Kankanige  
Sujith,  
2E. Rajapakse Kankanilage alias Kankanige  
Renuka.
- All of No;151, Hiripitiya, Pannipitiya.
- (Deceased) 3. Wattegedera Ruvithan Perera.  
3a. Wattegedera Premadasa Perera,  
No:376, High Level Road, Navinna,  
Mahargama.
- (Deceased) 4. Wattegedera Paulis Perra.  
4a. Wattegedera Premadasa Perera of  
No:376, High Level Road, Navinna,  
Maharagama.
5. Wattegedera Premadasa Perera of  
No:376, High Level Road, Navinna,  
Maharagama.
6. Wattegedera Kamalawathie Perera,  
7. Wattegedera Lalitha Perera.  
8. Wattegedera Marthelis Perera.
- (Deceased) 9. Wattegedera Piyadasa Perera.  
9a. Kusumawathie PErera, 27/1, Hiripitiya,  
Pannipitiya.
- (Deceased) 10. Wattegedera Arnolis Perera.  
10a. W. Anura Kumara Perera,  
No:199, Hiripitiya, Pannipitiya.
- (Deceased) 11. Wattegedera Siyadoris Perera,

- (Deceased) 11a. Solan Arachchige Gnanawathie,  
No:420/5, Shiromani Mawatha,  
Godigamuwa.
- 11b. W. Sajeewani Perera, No:25, Hiripitiya,  
Pannipitiya.
- (Deceased) 12. Wattegedera Kusalawathie Perera,  
12a. Wattegedera Diyonis Perera, 25,  
Hiripitiya, Pannipitiya.
- 12b. Wettegedera Samantha Indrika Perera,  
No;27/3, Hiripitiya, Pannipitiya.
- (Deceased) 13. Wattegedera Misinona,  
13a. U. Wimalawathie Perera, No;58/20,  
Hiripitiya, Pannipitiya.
- (Deceased) 14. Wattegedera Simon Perera.  
14a. Wattegedera Dionis Perera.  
14b. Wettegedera Samantha Indrika, Perera,  
No;27/3, Hiripitiya, Pannipitiya.
- (Deceased) 15. Wattegedera Karolis Perera.  
15a. Wattegedera Deepal Dharmasiri Perera,  
58/13, Hiripitiya, Pannipitiya.
- (Deceased) 16. Wattegedera Diyonis Perera, 25,  
Hiripitiya, Pannipitiya.  
16a. Wattegedera Samantha Indrika Perera,  
27/3, Hiripitiya, Pannipitiya.

**Defendant-Respondent-Respondents.**

**CA. Revision Application No. 1305/01**

**DC. Homagama Case**  
**No. 75/P**

**Before:** Eric Basnayake, J

**Counsel:** Ranjan Suwandarathne with Ranjith Perera for the  
Petitioner .

Ms. Sagarika Dharmabandu for the 1<sup>st</sup> Plaintiff-  
Respondent

**Argued &**

**Decided on:** 26.04.2012

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**Basnayake, J**

1<sup>st</sup> and 2A Petitioners and the 1<sup>st</sup> Plaintiff-Respondent are present in Court. Both parties have filed a joint terms of settlement. According to the settlement parties have agreed for the corpus to contain only lot 2 of plan 578.

Accordingly the learned District Judge is directed to vary the judgment and interlocutory decree accordingly and to proceed with the case only in respect of lot 02 of plan 578.

Proceedings in this Court stands terminated.

**Judge of the Court of Appeal**

Kpm/-