

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

1. Adhikari Mudiyanse Lage Mudalihamy
(deceased)
2. Adhikari Mudiyanse Lage Herath
Signho,
3. Adhikari Mudiyanse Lage Haramanis,
4. Adhikari Mudiyanse Lage Charlis
Appuhamy,
All of Thulawala, Koswatta.

C.A. No. 1174 / 2000 (F)

Plaintiffs

Vs.

D.C. Marawila No. 396 / L

Waduvidanalage Podi Hamine,
Kirimatiyana,
Lunuwila.

Defendant

And Now Between

Waduvidanalage Podi Hamine,
Kirimatiyana,
Lunuwila.

Defendant –Appellant

Vs.

1. Adhikari Mudiyanse Lage Mudalihamy
(deceased)
- 1a. Adhikari Mudiyanse Lage
Nandawathie, (deceased)
2. Adhikari Mudiyanse Lage Herath
Signho, (deceased)
- 2a. Herath Mudiyanse Lage Kumarihamy,
- 2b. Herath Mudiyanse Lage Leelawathie,

- 2c. Herath Mudiyansele Rohini Chandralatha,
- 2e. Herath Mudiyansele Padmaseeli Menike,
- 2f. Herath Mudiyansele Wijeratna, All of Kirimatiyana East, Lunuwila.
- 3. Adhikari Mudiyansele Haramanis (deceased)
- 3a. Adhikari Mudiyansele Charlis Appuhamy,
- 4. Adhikari Mudiyansele Charlis Appuhamy, All of Thulawala, Koswatta.

Plaintiff-Respondents

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Defendant Appellant – Absent and Unrepresented
Plaintiff Respondents- Absent and Unrepresented

DECIDED ON : 05.05.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondents (hereinafter referred to as the Respondents) instituted an action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Marawila seeking for a declaration inter alia that the deed bearing No 25 dated 26.04.1990 attested by Verni Medona Nirmali Gunaratna, Notary Public was null and void. The Defendant filed an answer

denying the averments contained in the plaint and praying for a dismissal of the Respondents' action. The case proceeded to trial upon 06 issues. After trial, the learned Additional District Judge has delivered a judgement in favour of the Respondents. Being aggrieved by the said judgment dated 28.11.2000 the Appellant has preferred the present appeal to this court.

It seems from the petition of appeal that the main grievance of the Appellant was that the learned Additional District Judge has failed to evaluate the evidence adduced on behalf of the Appellant. I have examined the evidence led at the trial and the impugned judgment. I am of the view that the Appellant has failed to prove his case on a balance of probability. Hence I see no reason to interfere with the judgement of the learned Additional District Judge dated 28.11.2000. Therefore I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal