

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

Hinguralakande Pagnnaloka Thero,  
Viharadhipathi,  
Wickckremaraja Vihara,  
Mudugamuwa, Ruwanwella.

C.A. No. 13 / 2000 (F)

Plaintiff

Vs.

D.C. Avissawella No. 20225/ L

1. Maththamagoda Pagnnasekare Thero  
Viharadhipathi,  
Sri Nagabodhi Purana Vihara,  
Doranuwa, Ruwanwella.
2. Pelpita Pagnnaratana Thero,  
Viharadhipathi,  
Giriwangarama Vihara,  
Hingurala, Dehi Owita.
3. Malmaduwe Pagnnalankara Thero,  
Sri Vivekaramadhipathi,  
Deegala, Dehi Owita.

Defendants

**And Now Between**

1. Maththamagoda Pagnnasekare Thero  
Viharadhipathi,  
Sri Nagabodhi Purana Vihara,  
Doranuwa, Ruwanwella.
2. Pelpita Pagnnaratana Thero,  
Viharadhipathi,  
Giriwangarama Vihara,  
Hingurala, Dehi Owita.
3. Malmaduwe Pagnnalankara Thero,  
Sri Vivekaramadhipathi,  
Deegala, Dehi Owita.

Defendant-Appellants

Vs

Hinguralakande Pagnnaloka Thero,  
Viharadhipathi,  
Wickckremaraja Vihara,  
Mudugamuwa, Ruwanwella.

Plaintiff -Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : 1<sup>st</sup> 2<sup>nd</sup> & 3<sup>rd</sup> Defendant Appellants –  
Absent and Unrepresented  
Daya Guruge for the Plaintiff  
Respondent

ARGUED ON : 21.02.2014

DECIDED ON : 22.05.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted an action against the 1<sup>st</sup> to 3<sup>rd</sup> Defendant Appellants (hereinafter referred to as the Appellants) in the District Court of Avissawella seeking for a declaration that he is the controlling viharadhipathi of Mudugamuwa Wickckremaraja Vihara, Ruwanwella. The Appellants filed an answer denying the averments contained in the plaint and praying for a dismissal of the Respondent's action. The case proceeded to trial upon 07 issues. After trial, the learned Additional District Judge

has delivered a judgement in favour of the Respondent. Being aggrieved by the said judgment dated 17.12.1999 the Appellants have appealed to this court.

The Appellants have set out several grounds of appeal. It seems from the petition of appeal that the main grievance of the Appellants was that the learned District Judge has failed to interpret the relevant deed. I have examined the said document, evidence led at the trial and the impugned judgment. I am of the view that the Appellants have failed to prove their case on a balance of probability. Hence I see no reason to interfere with the judgement of the learned Additional District Judge dated 17.12.1999. Therefore I dismiss the appeal of the Appellants with costs.

*Appeal dismissed.*

Judge of the Court of Appeal