

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

Mahamendhisge Ernas Mendhis,
Aluth Para,
Kandapola.

C.A. No. 939 / 2000 (F)

Plaintiff

Vs.

D.C. Nuwara Eliya No. 647 / L

T. A. Amarawansa,
Aluth Para,
Kandapola.

Defendant

And Now Between

T. A. Amarawansa,
Aluth Para,
Kandapola.

Defendant-Appellant

Vs

Mahamendhisge Ernas Mendhis,
Aluth Para,
Kandapola.

Plaintiff -Respondent

BEFORE

: UPALY ABEYRATHNE, J.

COUNSEL

: Defendant Appellant – Absent and
Unrepresented

Plaintiff Respondent is present before
court

DECIDED ON : 09.05.2014

UPALY ABEYRATHNE, J.

The Plaintiff Respondent (hereinafter referred to as the Respondent) instituted an action against the Defendant Appellant (hereinafter referred to as the Appellant) in the District Court of Nuwara Eliya seeking for a declaration of title to the land described in the schedule to the plaint and to eject the Appellant from the said land. The Appellant filed an answer denying the averments contained in the plaint and praying for a dismissal of the Respondent's action. On the date of trial, the case has been settled between the parties and an order has been made accordingly.

In prayer 'a' of the petition of appeal the Appellant has sought to set aside an order dated 30.11.2000. I have examined the case record. According to the Journal Entries of the case record no appealable order has been made on 30.11.2000.

In the circumstances I dismiss the appeal of the Appellant with costs.

Appeal dismissed.

Judge of the Court of Appeal