

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

Kuruppu Appuhamillage Premawathie
Kuruppu,
No. 153, Kurikotuwa, Veyangoda.

C.A. No. 960 / 2000 (F)

Plaintiff

Vs.

D.C. Gampaha No. 31377 / L

1. Kuruppu Appuhamillage Navaratna,
No. 98, Udugama, Veyangoda.
2. Mohoppu Arachchillage Ananda
Samarasinghe,
Udugama, Veyangoda.
3. Wijesinghe Liyana Pathirenehelage
Malani Wijesinghe,
Udugama, Veyangoda.

Defendants

And Now Between

Kuruppu Appuhamillage Premawathie
Kuruppu,
No. 153, Kurikotuwa, Veyangoda.

Plaintiff-Appellant

Vs

1. Kuruppu Appuhamillage Navaratna,
No. 98, Udugama, Veyangoda.
2. Mohoppu Arachchillage Ananda
Samarasinghe,
Udugama, Veyangoda.
3. Wijesinghe Liyana Pathirenehelage
Malani Wijesinghe,
Udugama, Veyangoda.

Defendant -Respondent

BEFORE : UPALY ABEYRATHNE, J.

COUNSEL : Plaintiff Appellant – Absent and
Unrepresented
1st and 3rd Defendant Respondents –
Absent and Unrepresented
2nd Defendant Respondent is present
before court

DECIDED ON : 13.05.2014

UPALY ABEYRATHNE, J.

The Plaintiff Appellant (hereinafter referred to as the Appellant) instituted an action against the 1st to 3rd Defendants in the District Court of Gampaha seeking for a declaration of title to the land described in the 3rd schedule to the plaint and to eject the Defendants from the said land. The Defendants 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 10 issues. After trial, the learned District Judge has dismissed the Appellant's action. Being aggrieved by the said judgment dated 07.11.2000 the Appellant has preferred the present appeal to this court.

In paragraph 09 of the petition of appeal the Appellant has set out several grounds of appeal. He has urged that the judgment is contrary to the law and against the weight of the evidence and the learned 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 District Judge dated 07.11.2000. Therefore I dismiss the appeal of the Appellant without costs.

Appeal dismissed.

Judge of the Court of Appeal