

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

Case No: CA 977/00 (F)
DC 19775/D (DC Colombo)

Wijesiriratne Singhapurage Stanley
22, Albion Lane, Dematagoda,
Colombo 09

Plaintiff - Appellant

Vs.

Kusumawathi Wanigasekara
"Deepthi",
Hallala, Weligama

Defendant - Respondent

C.A. 977/2000

D.C. Colombo case No: 1975/D

Before : AHMD Nawaz,J. &
HCJ Madawala,J.

Counsel : Walter Perera for the Plaintiff-Appellant.
A.K. Chandrakantha for the Defendant-Respondent.

Argued &

Decided on : 13.06.2016

AHMD Nawaz,J.

Both Counsel tender to Court four terms of settlement dated 13th June 2015 that have been entered into by the parties to this appeal. The said terms on which both the plaintiff-appellant and defendant-respondent have agreed to settle this matter are as follows-

1. The parties hereto agree to accept the Judgment of the learned District Judge granting a divorce in favour of the Defendant-Respondent.
2. However parties hereto agree that the alimony awarded to the Defendant-Respondent be reduced to Rs.75,000/-.
3. The Defendant-Respondent agrees that she is not entitled to any other relief or claim other than the divorce granted to her and the alimony of Rs.75,000/- agreed upon.

4. The parties agree that the said Rs.75,000/- be paid in the following manner in open court.

- a. Rs.60,000/- to be paid on 31st October 2016.
- b. Rs.5,000/- to be paid on 30th November 2016.
- c. Rs.5,000/- to be paid on 16th December 2016.
- d. Rs.5,000/- to be paid on 23rd January 2017.

Both parties move that the judgment dated 7th December 2000 be varied consequent to the terms entered into by the parties. Accordingly the judgment of the learned District Judge dated 7th December 2000 granting a divorce is affirmed but the decree is to be varied incorporating the terms that have been agreed among the parties. Accordingly the learned District Judge of Colombo is directed to the enter decree on terms that have been agreed upon by the parties. The Registrar is directed to send the original case record along with the terms of settlement that have been entered into to the District court of Colombo and the learned District Judge is directed to give effect to the terms and enter decree accordingly.

Subject to the variation of the judgment as aforesaid the appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

HCJ Madawala,J.

I agree.

JUDGE OF THE COURT OF APPEAL

Jmr/-