

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

CALA 03/2012

Action in Rem 06/2009

Prof. M.D. Amarasingha  
Head,  
Department of Botany,  
Faculty of Science,  
University of Kelaniya.

**Petitioner**

**Vs.**

Prof.Sarath Amunugama  
Vise Chancellor  
University of Kelaniya  
Kelaniya

And 10 others

**Respondents**

C.A. L.A. 03/2012 : Action in Rem 06/2009

Before : Ranjith Silva,J. &  
H.N.J. Perera,J.

Counsel : Murshid Maharoo with Dushantha de Silva and Shamir  
Zavahir for the petitioner  
Shavindra Fwernando, DSG with Vickum de Abrew,SSC  
for the A.G.

Argued &

Decided on : 03.09.2012

Ranjith Silva,J.

It is brought to the notice of Court that the subject matter(the ship) has now sunk. Therefore, the sale of the ship in this form will not arise. The petitioner moves to withdraw this application without prejudice to its rights and reserving his right to take whatever action against the State.

State does not object to this application but reserves the right to take whatever action civil as well as criminal against the owner of the ship, here and abroad.

Application for withdrawal is allowed. Application dismissed.

JUDGE OF THE COURT OF APPEAL

H.N.J. Perera,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-