

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

CA 432/99(F)

DC-NEGOMBO-2518/P

A.H.A. Podi Nona Hamine
No: 182/1,
Opatha,
Kotugoda.

Complainant-Appellant

Vs.

W.J.V.A. Bengemin
Opatha,
Kotugoda.

Defendant-Respondent

Before : **A.W.A. Salam, J.**

Counsel : Dr. Sunil Coorey for the
Defendant-Respondent

Decided on : 30.01.2013

A.W.A. Salam, J.

Steps taken regarding the deceased 1st Defendant. In place of the deceased 1st Defendant, Wijethunga Jayawardena Weebadiu Arachchige Jude Milroy is appointed as Substituted 1st Defendant Respondent. Substituted 1st Defendant Respondent is present in person. Dr. Sunil Coorey appears for him.

Appellant has been notified to pay the brief fees on or before 03.08.2012. The notice dispatched to be served on her has not been returned undelivered. The notice issued on the Registered Attorney at Law has been returned with the endorsement that she is dead. On the last date inadvertently the court has noted that the appellant has died and directions have been made to issue notices on the Legal heirs. The said minute now stands corrected that the

appellant is alive and the notice issued on her by Registered Post directing the payment of brief fees has not been returned undelivered and therefore presumed to have been served. For failure on the part of the appellant to deposit brief fees, this appeal now stands dismissed in terms of rule 13(b) of the preparation of briefs-Court of Appeal 1978.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

LA/-