

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

**C.A. Appeal No. 345/2000 (F)**

D.C. Kalutara No. 6344/P

W.Karalayn Nona  
Dodamgoda,  
Dambagahahena.

**Defendant Appellant**

**Vs.**

G.D. Martyn  
Gabadagoda,  
Payagala.

And 06 others

**Plaintiff Respondants**

**C.A. Appeal No. 345/2000 (F) - D.C. Kalutara No. 6344/P**

Before : **K.T. CHITRASIRI, J.**

Counsel : 6<sup>th</sup> Defendant-Appellant is absent and Unrepresented.

Mihiri Abeyrathne for the 8<sup>th</sup> Defenan<sup>a</sup>-  
Respondent <sup>g</sup>

Decided on : 28.03.2013.

**K.T. Chitrasiri, J.**

When this matter was mentioned on the 28.03.2012, it was brought to the notice of Court that the appellant had died by ~~them~~<sup>n</sup>. Since that date the heirs of the appellant had not taken <sup>g</sup> to substitute themselves in the room of the deceased appellant in order to proceed with this appeal. The Registrar of this Court has sent notices to the appellant as well as to the registered attorney of the appellant, informing that this matter would be mentioned today. The letter sent to the appellant had been returned with an endorsement that there is no such person at the given address. The notice sent to the registered attorney had not been returned. In the circumstances, it is clear that

neither the appellant nor the heirs of the appellant is taking steps to proceed with this appeal. Accordingly this appeal is abated.

In view of the above order , proceedings in this Court are terminated.

*Proceedings terminated.*

**JUDGE OF THE COURT OF APPEAL**

/mds