

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

CA 896/98 (F)

D.C. KURUNEGALA 3338/L

M.A. Sugathadasa
Henduwawa,
Baradawatte,
Keppitiwalana.

Appellant

Vs.

Herath Mudiyanseelage Piyadasa

Emage Baby Sinyo

Both Are

Henduwawa,
Keppitiwalana.

Respondents

CA 896/98 (F)

D.C. KURUNEGALA 3338/L

Before: K.T. Chitrasiri, J.

Counsel: Sunil Jayakody with M.D.J. Bandara for the Sustituted-Plaintiff-Appellant.

Defendant-Respondent is absent and unrepresented.

Argued &

Decided on: 01.07.2013.

K.T. CHITRASIRI, J.

This is an appeal to have a re-trial and to obtain reliefs similar to the reliefs prayed for in the plaint. Significantly, no relief in the Petition of Appeal is found seeking to set-aside the judgment. However, upon perusal of the brief it is evident that the judgment that is being challenged had been delivered on 09.01.1996. This appeal had been filed on the 01.09.1998. The notice of appeal is dated 10.07.1998. Accordingly, it is clear that this appeal had been filed more than two years after the delivery of the impugned judgment. Counsel for the appellant concedes this position. Therefore, this appeal cannot be sustained. Accordingly the appeal is dismissed without cost.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

Mm/-.