

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

C.A Application No.65/1998 (F)

Karunamuni Samson De Silva
Nagoda,
Kalutara.

Plaintiff

Vs.

Sandaradura Indralath
Kandapansala Road,
Mahawaskaduwa,
Waskaduwa.

Karunamuni Disna

Kusumawathie De Silva
Mahawaskaduwa
Waskaduwa

Arumadura Nandawathie Wijayatilake
No.128, Galle Road,
North Kalutara.

Seekku Arachchige Milis Wijayatilake,
No.128, Galle Road,
North Kalutara.

Arumadura Suwineetha Kalani
Wijayatilake
No.128, Galle Road,
North Kalutara.

And Others

Respondents

C.A. No:65/98(F)

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D.C. Kalutara Case No:4746/P

BEFORE : K.T. CHITRASIRI, J.

COUSEL : 1st and 7th Defendant-Appellants are absent and unrepresented.

15th Defendant-Respondent is present in Court.

Other Respondents are absent and unrepresented.

**ARGUED &
DECIDED ON** : 17.06.2014.

K.T. CHITRASIRI, J.

The Supreme Court by its order dated 17.03.2014 has directed this Court to issue notices on all the parties and to have the substitutions effected in place of the deceased parties. Accordingly, this Court has sent notices on all the parties and their registered attorneys under registered cover informing them to be present in this Court today. However, only the 15th defendant-respondent is present in Court. The notices sent to the 2nd, 9th, 10th, 11a, 13a, 13b, 13c and 14th defendant-respondents have been returned with the endorsement that the given address is insufficient. The notice sent to the 9th defendant-respondent also has been returned with the endorsement that the addressee is not known. The notice sent to the 11th defendant-respondent also has been returned with the endorsement that the address is insufficient. The notice sent to the attorney for the 2nd defendant-respondent also has been returned with the endorsement that he is not traceable.

The appellants are the 1st and 7th defendants. They are not present in Court despite that the notices sent to the 1st and 7th defendant-appellants have not been returned. Those notices have been sent to the addresses given in the petition of appeal. Accordingly, it is seen that the

appellants are not taking steps to effect the substitution as directed by the Supreme Court. In the circumstances, Court makes order abating the appeal.

Appeal is abated.

JUDGE OF THE COURT OF APPEAL

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