

ප්‍ර: තමා ඉඩම මනින වෙලාවේ හිටියා ?  
උ: නැහැ.

ප්‍ර: තමා වෙනුවෙන් කවුද හිටියේ?

උ: අපේ ළමයි ගෙදර හිටියා. ළමයි මොනවා කීවද දන්නේ නැහැ".

In re-examination he says " " මනින අවස්ථාවේ මම හිටියේ නැහැ. 1වෙනි විත්තිකරු හිටියා කියා තිබෙනම් වැරදියි ' දුරුවෝ ගැනි හිටියා. මම ලෙඩවෙලා හමන්තොට රෝහලේ සිටියෙ He has not produced any medical certificate or other evidence to show that he was else where. Even assuming he was present his conduct alone cannot be taken as a positive admission to the effect that the land surveyed was the subject matter described in the plaint. In my view the above fact alone would not vitiate the effect of the statement made by the Surveyor during his cross examination to the effect that the land depicted in his plan 'X' may not be the land described in the plaint.

Another argument that is advanced on behalf of the Appellants is the difference in the boundaries that are given in the Survey Plan and the permit 'P1'. In accordance with the permit 'P1' the boundaries are as follows:-

**North - 100 yard road**  
East - by- lane  
**South - David Singho's land**  
West - Piyadasa's land

In accordance with the Survey Plan of the Court Commissioner the boundaries are given as follows:-

**North - David Singho's land**  
East - by- lane  
**South - 100 yard road**  
West - Piyadasa's land