

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

In the matter of an application under and in terms of Section 14 of the Judicature Act No. 02 of 1978 and under Section 331 of the Criminal Procedure Code Act No. 15 of 1979, read with Section 11 of the Provincial High Court (Special Provisions) Act No. 19 of 1990.

Court of Appeal Case No:

CA (PHC) 134/2016

Provincial High Court Kandy

Case No: **Writ 09/2016**

1. Pathwaththe Gedara Gunarathne
Banda

33, Perahera Mawatha, Dambulla

2. Uswatta Liyanage Densil Perera
149, Kandy Road, Dambulla

3. Herath Mudiyanseelage Mohan Thilak
Kumara
Chamara Shop, Mirisgoniyawa,
Dambulla

Petitioner-Appellant

Vs

1. Athma D. Jayarathne
Municipal Commissioner,
Municipal Counsel of Dambulla
Dambulla

2. Municipal Counsel of Dambulla
Dambulla

3. Hon. Attorney General
Attorney General Department
Colombo 12

Respondent-Respondents

Before : Hon. Justice A. L. Shiran Gooneratne, Act. (P/CA)
Hon. Justice Dr. Ruwan Fernando

Counsel : Appellant is absent and unrepresented

Decided on : 26/02/2020

A. L. Shiran Gooneratne, J. Act. (P/CA)

Appellant is absent and unrepresented.

Perusal of journal entries dated 19/09/2019 and 01/02/2020 in the docket shows that the Petitioner has failed to take steps to pursue this application.

Rule 3 (13) states that, it shall be the duty of the Petitioner to take such steps as may be necessary to prosecute his application with due diligence.

It is view of this Court that the Petitioner is not interested in pursuing this application any further. In these circumstances the Court decides to reject this application.

Application rejected.

Acting President of the Court of Appeal

Dr. Ruwan Fernando, J.

I agree.

Judge of the Court of Appeal

NDS/-