

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

In the matter of an Appeal after granting Leave under Section 5(c) of the High Court of the Provincial (Special Provisions) (Amendment) Act No. 54 of 2006 read with Article 127(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

SC. Appeal No. 68/2012
SC/HCCA/LA.No. 361/2011
WP/HCCA/AV No. 565/2008
D.C.Avissawella No. 23240/M

Krishnan Nalinda Priyadarshana
No. 55, Galabadawatta,
Pitumpe, Padukka.

Plaintiff

Vs.

1. Kandana Arachchige Nilmini
Dhammika Perera
Ulagalle, Kosgashena,
Paddukka,
2. Koddula Arachchige Lalith Perera
Ulagalle, Kosgashena,
Padukka.
3. Illukkumburaga Ruwan Kapila
Nawasinghe
56B, Galabadawatta,
Pitumpe, Padukka.

Defendants

And Between

1. Kandana Arachchige Nilmini
Dhammika Perera
Ulagalle, Kosgashena,
Paddukka.
2. Koddula Arachchige Lalith Perera
Ulagalle, Kosgashena,
Padukka.

3. Illukkumburaga Ruwan Kapila
Nawasinghe
56B, Galabadawatta,
Pitumpe, Padukka.

Defendant-Appellants

Vs.

Krishnan Nalinda Priyadarshana
No. 55, Galabadawatta,
Pitumpe, Padukka.

Plaintiff-Respondent

And Now Between

2. Koddula Arachchige Lalith Perera
Ulagalle, Kosgashena,
Padukka.
3. Illukkumburaga Ruwan Kapila
Nawasinghe
56B, Galabadawatta,
Pitumpe, Padukka.

**2nd & 3rd Defendant-
Appellant- Appellants**

Vs.

Krishnan Nalinda Priyadarshana
No. 55, Galabadawatta,
Pitumpe, Padukka.

**Plaintiff-Respondent-
Respondent**

1. Kandana Arachchige Nilmini
Dhammika Perera
Ulagalle, Kosgashena,
Paddukka,

**1st Defendant-Appellant-
Respondent**

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SC. Appeal No. 68/2012

BEFORE : Tilakawardane, J.
Ekanayake, J. &
Wanasundera, PC., J.

COUNSEL : Shantha Jayawardene with Duleeka Imbuldeniya for the
Defendant-Appellant-Appellants.

Thishya Weragoda with Nishan Premathiratne, Mahela Liyanage
and Niluka Dissanayake for the Plaintiff-Respondent-Respondent.

ARGUED ON : 01.03.2013

**WRITTEN SUBMISSION OF
THE APPELLANT FILED ON:** 14-03-2013

**WRITTEN SUBMISSION OF
THE RESPONDENT FILED ON:** 14-03-2013

DECIDED ON : 14-06-2013

* * * * *

Wanasundera, PC., J.

It was agreed by Counsel at the hearing of SC. Appeal 67/12 that parties in this appeal shall abide by the judgment in SC. Appeal 67/12.

I hold that the Provincial Civil Appellate High Court was quite correct in dismissing the appeal of the Appellants and affirming the judgment of the Learned District Judge. I hold that the 1st Defendant-Appellant-Respondent and the 3rd Defendant-Appellant-Appellant are jointly and severally liable to pay damages to the Plaintiff-Respondent-Respondent. I dismiss this appeal with costs and affirm the judgment of the Learned High Court Judge of the Civil Appellate High Court as well as the judgment of the Learned District Judge subject to the variation that the Plaintiff be paid legal interest on two million rupees (Rs. 2000000/-) from the date of the judgment of the District Court up to date and until the payment is actually done.

The Registrar of this Court is directed to send this judgment forthwith, along with the original case record to the District Court of Avissawella.

JUDGE OF THE SUPREME COURT

Tilakawardane, J.

I agree.

JUDGE OF THE SUPREME COURT

Ekanayake, J.

I agree.

JUDGE OF THE SUPREME COURT