

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

Benedict Raja Philip De Silva
4970, Lansing Drive, North Olmsted, Ohio
44070, United States of America and
Presently at
No.7, Station Road, Pinwatta, Panadura.

Plaintiff

SC/CHC/Appeal 34/2011
SC(HC)LA No. 68/2011
HC (Civil) 17/2006(1)

Vs

Chris Peiris
No. 518, Gale Road Colombo 3.

Chamalee Deepthika Jayawardena
No. 518, Gale Road Colombo 3.

Haritha Munasinghe
No. 58B, Salmulla, Kollonawa.

Anthony Joseph Mahinda De Silva
No.27/3, Chandralekha Mawatha,
Colombo 8.

Defendants

In the matter of an Application under Section 218,

343 and 349 of the Civil Procedure Code.

Anthony Joseph Mahinda De Silva
No. 27/3, Chandralekha Mawatha,
Colombo 8

4th Defendant-Petitioner-

Vs

Benedict Raja Philip De Silva
4970, Lansing Drive, North Olmsted, Ohio
44070, United States of America

Plaintiff-Respondent

AND NOW

In the matter of an Application for Leave to Appeal
Under and in terms of Section 5(2) of the High
Court of the Provinces (Special Provinces) Act
No.10 of 1996 read together with Chapter LVIII of
The Civil Procedure Code.

Benedict Raja Philip De Silva
4970, Lansing Drive, North Olmsted, Ohio
44070, United States of America and
Presently at
No.7, Station Road, Pinwatta, Panadura.

**Plaintiff-Respondent –
Petitioner-Appellant.**

Vs

Anthony Joseph Mahinda De Silva
No. 27/3, Chandralekha Mawatha,
Colombo 8

**4th Defendant-Petitioner-
Respondent-Respondent.**

Before: Sisira J. de Abrew J
L.T.B. Dehideniya &
S. Thurairaja PC J

Counsel: Romesh de Silva PC with Manjuka Fernandopulle for the
Plaintiff-Respondent-Petitioner-Appellant.
Harsha Soza PC with R. Weerasinghe
4th Defendant-Petitioner- Respondent-Respondent.

Written submission

tendered on : 9.3.2012 by the Plaintiff-Respondent-Petitioner-Appellant.
10.3.2012 by the 4th Defendant-Petitioner- Respondent-
Respondent.

Argued on : 16.6.2020

Decided on: 9.9.2020

Sisira J. de Abrew, J

Parties in this case have agreed to abide by the judgment that may be delivered in the case of SC/CHC/12/2012. Today the judgment in the case of SC/CHC/12/2012 was delivered dismissing the appeal of the Plaintiff-Respondent-Petitioner-Appellant. Thus, the appeal in this case is also dismissed.

Appeal dismissed.

Judge of the Supreme Court.

L.T.B.Dehideniya J

I agree.

Judge of the Supreme Court.

S. Thurai raja PC J

I agree.

Judge of the Supreme Court.