

1962

Present : Sinnetamby, J., and Herat, A.J.

R. CASSIM, Appellant, and M. T. JAINUDEEN and others,
Respondents

S. C. 545—D. C. Badulla, 809/L

Mentioned for withdrawal

Appeal—Procedure for withdrawal.

When, after an appeal from a judgment of a District Court has been filed, the parties jointly wish to withdraw the appeal, application must be made to the Supreme Court and not to the District Court.

APPEAL from a judgment of the District Court, Badulla. Mentioned, for withdrawal.

No appearance for either party.

January 22, 1962. SINNETAMBY, J.—

In this case it would appear that after an appeal was filed parties to the action submitted a joint motion to the District Judge in which they asked that the appeal be abated. Once a petition of appeal has been filed, unless the grounds for abatement are based on the express provisions of the Code, an application to abate the appeal cannot be made to the District Court, but the application for the withdrawal of the appeal should be made to this Court. We therefore direct that the Proctors for the plaintiff and the defendant be informed that they must make a proper application to this Court for the withdrawal of the appeal.

HERAT, A.J.—I agree.

Directions given regarding withdrawal of appeal.