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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

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PASSED ORDINANCE.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 1 of 1933.

An Ordinance to amend the Ordinance regulating the Temporal Affairs of the Presbyterian Church in Kandy.*

GRAEME THOMSON.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

1 This Ordinance may be cited as the Temporal Affairs of the Presbyterian Church Kandy (Amendment) Ordinance, 1932.

2 Section 3 of the Ordinance regulating the Temporal Affairs of the Presbyterian Church in Kandy is amended by the substitution of the word "Sunday" for the word "Monday" therein contained.

3 Sections 3 and 11 of the said Ordinance are amended by the substitution of the word "first" for the word "last" therein contained.

4 Section 14 of the said Ordinance is amended by the deletion of the words "a male of" in line 12 thereof.

Passed in Council the Fourth day of October, One thousand Nine hundred and Thirty-two.

V. COOMARASWAMY,
Clerk of the Council.

* Note: See Proclamation, dated February 14, 1933, in Part I. of this Gazette.

DRAFT ORDINANCE.

AL 58/32

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to Provide for the Partition and Sale of Land held in Common.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

CHAPTER I.*Preliminary.*

1 This Ordinance may be cited as The Land Partition Ordinance, 1933, and shall come into operation from the date of the passing thereof.

2 On and from the date on which this Ordinance comes into operation—

- (1) The Ordinances specified in Schedule A shall be repealed.
- (2) Every action instituted under the provisions of the Ordinance No. 10 of 1863 and pending in any court at the time of the coming into operation of this Ordinance shall, so far as circumstances permit, be continued and proceeded with to final decree under the provisions of this Ordinance. Provided always that any such court may on reasonable cause being shown, direct that any such action shall be continued as if this Ordinance had not been passed, up to any stage of such action which the court may direct.

Interpretation.

3 "Surveyor" shall mean a Surveyor whose name is included in the list referred to in section 65 of this Ordinance.

1 Short title and commencement.

2 Repeal and savings.

CHAPTER II.

General.

4 All landed property situated in this Island which shall belong to two or more persons jointly, whether the same shall have come to them by grant, purchase, descent, or otherwise, is and shall be deemed and taken to be held by them in common, and upon the decease of any such persons the said property so jointly possessed shall not remain or belong to the survivor, but all the right, share, and interest of the person so dying in and to the property so jointly possessed as aforesaid shall form part of his estate; and the person or persons to whom the same shall by him be devised or bequeathed, or to whom it shall devolve, shall thereupon become and be co-proprietors with the survivor in the said property, in the proportion and according to the share of such deceased person therein, unless the instrument under which the said property is jointly held and possessed, or any agreement mutually entered into between them shall expressly provide that the survivor, upon such decease, shall become entitled to the whole estate.

Ownership in common.

5 Where any landed property belongs in common to two or more persons or the permanent right to the plantations thereon belongs to a person other than the person entitled to the land, it shall be competent to one or more of such person to apply for a partition or sale of such property, and for that purpose to file a plaint in any court of competent jurisdiction, within whose territorial limits the said property is situated in whole or part, describing the said property and stating the shares and interests of the persons entitled to rights therein with their names and addresses. The plaintiff shall include in his plaint as parties all persons claiming rights in the said property, whether by way of mortgage, lease, usufruct, servitude, trust, fidei commissum, life interest or any other right or as persons entitled to compensation for improvements they made to the said property by planting, building, or otherwise improving the same. There shall be attached to every plaint a pedigree setting out the devolution of title.

Co-owners and improvers may compel partition. Form and contents of Plaints.

6 On such a plaint being accepted by the court then plaintiff shall register it in the manner provided by the Registration of Documents Ordinance, No. 23 of 1927, and shall deposit in court, on or before a date to be fixed by the court, the cost of surveying the land in accordance with the schedule of rates fixed by the court. And if the plaintiff makes default in depositing such costs on such day as the court shall appoint or within such further time as the court shall allow, the action may be dismissed.

Registration of plaints.

7 Thereafter the court shall—

- (1) issue its summons directed to the parties named in the plaint, requiring them to appear on a day named therein and, if they deny the statement of rights given in the plaint, to state their claims, and to name any other person having any interest in the said property.
- (2) order the issue of a commission to a surveyor to survey the land referred to in the plaint in the manner hereinafter provided and to make his return to the said commission on the date named therein, which shall not be later than the date originally given in the summons, unless for any special reasons the court shall fix a later date, or extend the date originally fixed.

Summons on parties and commission for preliminary survey.

8 (1) Such summons shall be substantially in the form contained in Schedule B, and a copy thereof in the language of the defendant if such language is Sinhalese or Tamil, otherwise in English, shall be served through the Fiscal on each defendant, but a copy of the plaint or concise statement thereof need not accompany such summons. Provided however that the court may prescribe a mode of substituted service.

Summons—form, service, publicity.

(2) The purport of the said summons as well as the returnable date thereof shall be further notified by the Fiscal by a notice being posted on the said land and by beat of tom-tom on the said land as well as in some public place in the village in which the said land is situated.

9 (1) The surveyor shall then proceed to the said land and make a survey thereof after giving written notice to the parties at least ten days before the date fixed for the survey and after proclaiming on the said land by beat of tom-tom at least seven days before the date fixed for the survey the

Method of survey. Plan and report of surveyor.

fact that the said land would be surveyed on the date fixed in the said notice. Such written notice may be delivered by messenger or posted to the address given in the plaint. Provided that failure to give the prescribed notice shall not in any manner vitiate proceedings under this Ordinance.

(2) On the due date, the surveyor shall return his commission to the court attaching thereto (a) a plan of the land surveyed showing the boundaries of any existing divisions and all land marks, buildings, paths, streams, and other features likely to be of assistance to the court, together with his draft plan and a certified copy of his field book; and (b) a report, affirmed or sworn to by the surveyor, stating the dates on which and the manner in which notice of survey was given to the parties, the nature and value of the land and of any buildings, fences, wells, plantations, or trees thereon, the names of any claimants who appeared before him and the nature of their claims, all matters upon which a report is required in the commission and everything which may be of assistance to the court. A report under this section may be used in evidence.

Inquiry whether court or commissioner to deal with case and order.

10 On the returnable date of the summons, or on any other date to which the court may adjourn the inquiry, the court shall, whether summonses have been served on all the parties or not, decide whether the action should be continued in court or referred to a Commissioner of Partitions. If the parties be unanimous in agreeing that the case should be continued in the court it shall be so continued; but if there be no such agreement and the court after hearing the parties is of opinion that the action should be referred to a Commissioner of Partitions in view of the numbers of the parties, their convenience, the question of expense and the poverty of the parties, the advantage of inspection, the desirability of a speedy decision, and other matters in considering which it shall have an unfettered discretion, the court shall immediately appoint a Commissioner of Partitions and thereafter the action shall be tried and determined by such Commissioner. Provided that before making such reference the court may decide any question of Law which may arise, or may reserve the decision thereof for a subsequent date. And provided further that the court may at any stage thereafter for good reason cancel the said appointment or make a fresh appointment or issue directions to the Commissioner, who shall be at all times under its control.

Appeals.

11 There shall be no appeal from an order made under the preceding section.

Procedure.

12 When an action is referred to a Commissioner of Partitions the procedure laid down in Chapter IV shall be followed. In all other cases the procedure laid down in Chapter III shall be followed.

CHAPTER III.

Proceedings in Court.

Statements of claim by parties.

13 On the returnable date of the summons, or on such other later date as the court may appoint—

- (1) any party may file a statement setting out the nature of his own rights in the said land and that of any other person known to him; and a party who fails to file such a statement shall be taken to have agreed to the statements contained in the plaint.
- (2) all parties shall file in court, with translations when necessary, all documents in their possession relating to the said land. And the failure to so file such documents shall entitle the plaintiff to procure the same at the expense of the party in default.
- (3) the court may also entertain petitions from parties setting out their rights, provided the same are stamped with a stamp of one rupee and are countersigned by the Secretary or Chief Clerk of the Court, or by a petition-drawer specially authorized by the court.

Intervention by interested person, not parties.

14 If at any time before decree is entered it appears to the court that persons interested in the said land have not been made parties to the action, the court shall add them as parties and order the issue of summons on them. Provided however that on such terms as the court may direct any person so interested may intervene in the said action without receipt of summons.

Alteration in corpus sought to be partitioned.

15 If the plaintiff brings his action for a piece of land, which upon inquiry the court finds to be only a portion of the corpus which ought to be partitioned, the court may

proceed to deal with the whole of the said corpus as if the action had been brought in respect of it, and make such order as to costs as to it may seem reasonable.

16 (1) When the case is ready for trial the court shall fix a date on which to hear evidence and cause notice of trial to be posted on the land at least ten days before the date of trial, provided that it may substitute any other inexpensive form of notice, which, in its opinion, is likely to be efficacious.

Date of trial and notice thereof.

(2) The court shall besides give notice of trial to such parties as have filed statements of claim and are not represented by Proctors, but it shall not be necessary to give notice to parties who have not filed statements.

17 On the day fixed for trial or on any other day to which hearing may be adjourned, the court shall hear evidence in support of the title of the parties and shall enter such decree as it may deem fit, regard being had to the number or poverty of the owners, the nature, extent, or value of the land, and other causes.

Proceedings at trial.

18 It shall be competent to the court to order in the decree either (a) the partition or sale of the whole land, or (b) the sale of any specific portion of the land and the partition of the remainder, allotting to each of the owners such shares of the purchase money, or of the remaining land, or of both, as in the circumstances of each case to the court shall seem just.

Decrees—
sale,
partition.

Provided, however, that if the share of the land claimed by any party or parties to the action is small in extent or value, the court may, before trial, give the other party or parties the option to purchase such share at a value approved by the court, and on any such party or parties purchasing such share and depositing in court the said value together with a draft conveyance and the stamp duty required therefor, the court shall execute a conveyance of such share to the purchaser.

19 It shall be competent for the court to order in the decree that the share of only one or more of the parties be separated off, and that the remaining land be held in common by the other co-owners or group of co-owners, provided that no such order shall be made except for good reason to be stated by the court at the time.

Decree—
partial
partition.

20 It shall be competent to the court to leave shares in the land unallotted in the decree if after reasonable effort the owners thereof cannot be ascertained and to order the said shares to be sold for the recovery of costs and other charges.

Decree—
unallotted
shares.

21 At the time of pronouncing judgment the court shall—

Issue of
commissions
for sale or
partition or
both.

(1) order the issue of a commission to a person then named for sale, or partition, or both, as the case may be, of the said land and shall fix in the hearing of the parties then present after requiring them to take notice thereof the date of the return of the said commission. Provided that in the case of a sale the court may instead of issuing a commission instruct the Fiscal to have the sale carried out in accordance with the provisions of this Ordinance, and in the event of a partition in whole or part the commission shall be issued to a surveyor and preferably to the surveyor who made the preliminary survey under section 9.

(2) fix a day on which the costs of the said commission shall be deposited in accordance with a schedule of rates fixed by the court. Provided that where none of the parties deposit the said costs either on the day fixed, or any later day appointed by the court, the action shall be dismissed.

22 Where the court issues a commission involving a partition, the surveyor shall in the manner provided for in section 9 give at least thirty days' notice of the day on which he proposes to make the partition.

Commission
for
partition—
Notice.

23 On the day fixed for the partition or on any other day to which he may postpone it, the surveyor shall, after notice in writing posted up on the land, proceed to the land and draw up and demarcate a scheme of partition thereof in accordance with the decree and in conformity with any special directions contained therein or in the commission. He shall then make his return to the court having informed the parties of the date on which his commission will be so returned and requesting them to appear and take notice thereof.

Scheme of
partition.

24 In making the partition, the surveyor shall endeavour to partition the land in such a manner that the buildings and other improvements thereon shall fall to the lot of the persons who own them. He shall not be obliged to allot to each owner

Manner of
partition.

Compensation and owelty.	<p>an aliquot share of the superficial area but shall endeavour to prevent the payment of compensation for improvements or owelty by extending or restricting areas as the case may be.</p> <p>25 Where the scheme of partition involves the payment of compensation to improvers, or of owelty to those owners who get less valuable portions of the land, the surveyor shall assess the compensation or owelty so payable, and every amount finally awarded by the court in this respect shall be a charge upon the portion allotted to the person made liable for the payment of the same.</p>
Report to court regarding partition.	<p>26 The return shall be accompanied by the plan of partition, a certified copy of the field book and a report showing the names of the owners, the nature and extent of their respective shares and interests, the compensation or owelty (if any) that is payable and generally the mode in which he has partitioned the land, and also the names of the co-owners whom he shall have informed regarding the date of the return of his commission.</p>
Consideration of scheme of partition— Notice.	<p>27 (1) On the commission being returned to court the court shall fix a day for considering the return, and order the issue of notices to such of the parties as are not present or had not received notice of the returnable date under sections 21 or 23 and all such notices shall be served by the Fiscal in the same manner as the original summons under section 8.</p> <p>(2) On the day so fixed, or on any later date which the court may appoint, the court shall, after hearing the parties summarily, either confirm or modify the scheme of partition proposed by the surveyor after modifications where necessary and enter decree accordingly. Provided that nothing in this section shall prevent the court at this stage from ordering the sale of the land or making such other order as it thinks proper.</p>
Commission for sale— Notice, valuation, sale, report.	<p>28 (1) When the court issues a commission involving a sale it shall fix a date on which the Commissioner or Fiscal shall make a return regarding the value of the land to be sold, and shall give notice of such date to the parties in the manner provided in section 8.</p> <p>(2) The Commissioner or Fiscal shall then make a just valuation of the said land and giving details thereof and valuing the improvements thereon (if any) separately from the land make his return to the court, which shall after amendment where necessary approve the said valuation.</p> <p>(3) Thereafter, the Commissioner or Fiscal shall give not less than thirty days notice of the sale, in the manner prescribed in section 9; and on the day mentioned in such notice, the said land shall be put up for sale in such lots and on such conditions as have been generally or specially approved by the court first among the co-owners thereof at the appraised value, and if no owner buy the same at the appraised or higher value, then it shall be offered for sale to the public and sold to the highest bidder.</p> <p>(4) The Commissioner or Fiscal shall finally make his return to the court, showing the name and address of the purchaser and the amount for which the said land was sold.</p>
Payment of purchase money.	<p>29 The purchaser shall pay the purchase money into court in conformity with the conditions of sale, provided that where he is a co-owner he shall be entitled to take credit for the value of his share of the purchase money.</p>
Objections to sale and confirmation of sale.	<p>30 Any objections to the said sale shall be made to court within the space of thirty days from the date of sale, and after inquiry the court shall make its order thereon. And whenever the sale is confirmed the court shall issue its certificate of sale to the purchaser, and the certificate so issued under the hand of the Judge of such court shall be conclusive evidence of the purchaser's title in any court.</p>
Schedule of distribution of moneys in court.	<p>31 The court shall cause to be prepared a table of distribution showing what amounts if any the various parties are entitled to out of the moneys resulting from a sale (or otherwise) are deposited in court, and no such money shall be drawn by any party until the said table has been approved and except in accordance therewith. And in any gain or loss to co-owners in consequence of the sum realised at the sale of the land the persons entitled to compensation for improvements shall share proportionately.</p>

CHAPTER IV.

Proceedings before Commissioner of Partitions.

Commissioner of Partitions.
Terms of office and fees.

32 Commissioners of Partitions shall be appointed by the Governor for the purpose of making partitions under this Ordinance and they shall hold office during his pleasure and be entitled to be paid for their services the fees set out in Schedule C.

33 (1) A Commissioner of Partitions shall in respect of any action referred to him by court have full power (a) to issue notices to the parties to the action and others known to him to claim any interest in the subject matter thereof, to summon witnesses, to take evidence on oath and to hear and determine all questions affecting the title to the land in question ; (b) to deal with all matters regarding compensation for improvements, all matters affecting the interests of mortgagees, lessees and other incumbrancers including persons claiming a servitude and any other matters with which it is necessary to deal in order to arrive at a just decision of the case ; (c) to exercise the same powers as a court possesses under the provisions of sections 18, 19 and 20 of this Ordinance ; and (d) to exercise such powers as any court may exercise as against any persons making default of appearance or refusing to be sworn, or to give evidence or to produce documents at his inquiry.

General powers of a Commissioner of Partitions.

(2) In exercising his powers under the proviso to section 18 the Commissioner of Partitions may employ a Notary to execute the necessary transfer, or invoke the aid of the court therefor. And in any matter for which provision has not been made in this Ordinance he may request the directions of the court and follow such directions on all occasions.

34 The Commissioner of Partitions shall visit and inspect the land to be partitioned and shall unless there are good reasons to the contrary hold his inquiry on or near the said land. It shall be his duty to do substantial justice in all questions coming before him and to keep a record of his proceedings, but he shall not be obliged to follow any particular procedure nor be bound by the provisions of the Evidence Ordinance. He may during his inquiry consult the Judge of the court which is dealing with the case on any point of Law or reserve such points for such Judge's decision, unless the parties concerned in writing agree to abide by his decision.

Commissioner's inquiry. Place and procedure.

35 (1) If in the course of his enquiry the Commissioner of Partitions finds that the action has been brought in respect of a piece of land, which is only a portion of the corpus which ought to be partitioned, he shall refer the matter back to the court, which may thereupon order a further survey, and take such other steps as are necessary to decide whether or not any further land should be made the subject matter of the action.

Procedure where there is an error in the subject matter of the action.

(2) In respect of the subject matter so determined the court may return the case to be further dealt with by the Commissioner of Partitions or itself try or dismiss the case, making in each case such order as to costs as to the court may seem proper.

36 Immediately after completing his inquiry, or on a date which he shall then fix, the Commissioner of Partitions shall make and deliver his order, and shall immediately thereafter forward the record of his proceedings to the court.

Order of Commissioner of Partitions.

37 (1) It shall be open to any of the parties to apply to the court to amend, vary, modify or set aside such order on any of the following grounds :—

Amendment of order.

- (a) Corruption or misconduct on the part of the Commissioner of Partitions ;
- (b) The incorrectness of a decision of his on a question of law not relating to procedure or the admissibility of evidence, except where the parties have previously agreed to abide by his decision ;
- (c) Any error of fact obvious on the face of the proceedings.

Every such application shall be made within one month of the receipt of the record by the court.

(2) After hearing such application the court may either confirm, or amend the order of the Commissioner of Partitions or refer it back to him for re-consideration, or set it aside altogether and order an enquiry *de novo* by the same or another Commissioner or itself try the case.

38 The final decision of the court shall be embodied in a decree which may provide for the costs of such inquiry, and there shall be no appeal from such decree except upon any point of law submitted to the Judge for decision.

Decree.

39 If the decree be one for sale the court shall carry out the same under the provisions of Chapter III.

Decree for sale.

40 (1) If the decree be one for partition of the whole or part of the land, a copy of it shall be forwarded to the Commissioner of Partitions, who shall carry out the said partition in accordance therewith. For that purpose the Commissioner of Partitions shall call upon the plaintiff or any other party

Decree for partition.

to deposit with him on or before a date to be fixed by him the surveyor's costs, in accordance with the schedule of rates laid down by the court.

(2) In the event of none of the parties depositing the surveyor's costs on the date fixed or upon any later date, which the Commissioner of Partitions may appoint, he shall report the matter to the court and the court may dismiss the action.

Duties of
Commissioner.

41 The Commissioner of Partitions shall be responsible for seeing that the provisions set out in Chapter III with regard to partitions are carried out and shall generally direct the surveyor, and he shall report to court the partition he has made with the plan thereof. The court shall thereupon issue such notices as may be necessary and after hearing the parties summarily shall either confirm or modify the scheme of partition proposed by the Commissioner of Partitions and shall enter final decree accordingly.

CHAPTER V.

Miscellaneous.

Lands owned
on a deed of
partnership
not affected by
Ordinance.

42 Nothing in this Ordinance contained shall extend or be construed to extend to give to any co-proprietor of any land in this Island the right to compel a partition or sale thereof, if there shall be any valid or subsisting deed of partnership binding upon any such co-proprietor for the cultivation of such property, or the raising of any crops or produce thereon, for the purpose of selling such crops or produce, or for carrying on any trade, manufacture, or occupation having relation to or connected with the joint possession of such property, any of the terms or conditions of which deed would be broken or avoided by the partition or sale of such property, unless such deed shall expressly reserve to the parties thereto, or to any of them or to their or any of their heirs, executors, or administrators, the right of compelling a partition or sale of such property; and any partition, sale or conveyance of such property effected without the consent of the parties to such deed, contrary to the true intent and meaning of this section, shall be void.

Sale, lease or
mortgage of
shares subject
to proceedings
under
Ordinance not
lawful.

43 When a plaint is filed for obtaining a partition or sale of any land and registered as a *lis pendens* in the manner prescribed by the Registration of Documents Ordinance, No. 23 of 1927, it shall not be lawful for any of the owners to sell, lease, or hypothecate his undivided share or interest therein until the action has been terminated by dismissal thereof, or by final decree, or by the issue of the certificate of sale. Any such sale, lease, or hypothecation shall be absolutely void.

Decree
conclusive
against all
persons.

44 The decree given under sections 17, 18, 19, 20 and 38 shall be good and conclusive against all persons whomsoever, whatever rights they have in the land and though they have not been parties to the action, and although all persons interested are not named in any of the said proceedings nor the title of the owners nor of any of them truly set forth; and notwithstanding any defect or irregularity in procedure. Provided, however, that except as provided in the following section, such decree shall not affect servitudes over a land, nor trusts, nor *fidei commissary* rights, nor mortgages, nor leases, unless the same have been dealt with expressly in the decree. And provided further that nothing herein contained shall affect the right of any person, not a party to the action and prejudiced by a decree under this Ordinance, to recover damages from the party to whom his rights have been allotted, and from any party to the action who has knowingly omitted to disclose such person's right to the court.

Registration
of decree and
certificate
of sale.

45 When a final decree is entered, or a certificate of sale is issued, the court shall forward a copy thereof to the Registrar of Lands of the district, and he shall register the same in the appropriate folios, but an omission to register a decree or certificate shall not affect its force or validity.

Effect of
partition on
mortgages
and leases.

46 If at the time of the decree for partition or sale an undivided share only of the land shall be subject to a mortgage, or lease, the rights of the mortgagee, or of the purchaser of the mortgaged share under a mortgage decree, or of the lessee, shall be limited to the share allotted in the decree to the mortgagor or lessor respectively.

Variation of
decrees.

47 After due notice to the parties affected it shall be competent to a court to alter a decree of partition into one of sale of the whole or part of the land, and vice versa, and a court may also amend any obvious error of fact in a decree.

48 Notwithstanding anything contained in Ordinance No. 7 of 1840, entitled an Ordinance to provide more effectually for the Prevention of Frauds and Perjuries, a person may acquire a permanent right of property in the plantations growing upon any land by agreement with the owner express, or implied, or by any custom locally recognized; and every person having such a right as distinct from the ownership of the land, and every person being the owner of the land, apart from any right to the plantations thereon, shall be deemed to have an undivided interest in such land, and may compel a partition or sale of the said land in the manner provided by this Ordinance. Provided, however, that it shall be open to the owner of the land at his first appearance in court to claim that a just appraisal be made by a Commissioner appointed by court of the other person's interest in the said land (inclusive of buildings built and other improvements made by him), and that his right of pre-emption at the said appraised value be recognized in respect of such interest. Provided, however, that if there are more owners than one such right cannot be exercised by them except when acting jointly.

Power of persons having a permanent right in plantations to compel partition.

49 Every paraveni Nilakaraya shall be deemed and taken to have an undivided interest in the paraveni panguwa or any divided portion of which he is a share-holder, and he may compel a partition or sale of the said panguwa in the manner provided by this Ordinance. Provided, however, that the rights of the nindagama proprietor shall in no way be affected by the partition or sale of any panguwa under the provisions of this Ordinance, and provided further that any sale shall be confined to the co-owners.

Paraveni Nilakaraya's right to compel partition of paraveni panguwa.

The expressions "paraveni Nilakaraya" and "paraveni panguwa" shall have the meanings assigned to them in section 3 of "The Service Tenures Ordinance, 1870".

50 The owners of a land subject to a life interest and fidei commissarii may maintain an action for the partition or sale of their rights provided the consent of the person owning the life interest is obtained.

Partition of lands subject to a life interest or fidei commissum. Personal representatives cannot institute partition action.

51 No executor or administrator may bring an action for the partition or sale of the lands belonging to the estate he is administering.

Successors where a party dies.

52 On the death of a party the court may substitute his successors in title or appoint another person to represent the estate of the deceased for the purpose of the action.

53 (1) The following items of costs shall be borne by the parties to the action in the proportion of their rights in the said land and such costs shall be recoverable in the same action by the person incurring them:—

Recoverable costs.

- (a) The costs of the Surveyor, Auctioneer, Fiscal and Commissioner of Partitions;
- (b) The costs incurred in drawing and serving summons or notices ordered by court;
- (c) The costs of issuing and serving such notices as the Commissioner of Partitions may direct.

(2) The Proctors' costs shall be taxed at the rates set out in Schedule C.

(3) All such costs shall be a charge on the share of land or money allotted to the party made liable therefor and shall take priority over any charge for owelty or compensation due from him.

54 In the event of any contest regarding the right to any interest or share in the land, the costs shall be borne as ordered by the court; and in making such order the value of the interest or share in dispute shall be considered and the court shall specify the amount of costs.

Costs where there is a contest.

55 Where a party fails to prove his title, the court or Commissioner of Partitions may permit one of the other parties to prove the same, and the cost of proving the said title shall be added to the pro rata costs due from the defaulting party and be recoverable therewith.

Costs for proving defaulting parties' title.

56 When several parties are jointly interested in a contest the court shall ordinarily allow only one set of costs for all of them, and in the event of appeal by them to the Supreme Court only one amount shall be fixed by way of security.

One set of costs for parties jointly interested.

57 Unless otherwise provided for by this Ordinance all other costs shall be borne by the persons incurring the same.

Costs not provided for.

Security for costs by parties.

58 It shall be open to the court at any stage of an action to order a party to give security for costs if the court is of opinion that the party has been guilty of unreasonable delay in presenting or prosecuting his claim, or that he lives outside its jurisdiction, or for any other similar cause; and it may impose such terms and penalties as may seem proper in order to secure obedience to its order.

Costs payable before another action under Ordinance can be filed.

59 No person shall be allowed to maintain an action under this Ordinance until he has paid all costs and charges due by him in respect of any previous actions under this Ordinance.

Proof of deeds.

60 It shall not be necessary in any proceedings under this Ordinance to adduce formal proof of the execution of any deed, which on the face of it purports to have been duly executed, unless the genuineness of such deed is impeached by a party claiming adversely to such deed, or the court requires such formal proof.

Result of non-prosecution of action.

61 No action shall abate by reason of non-prosecution thereof, but the court after reasonable endeavour to compel the parties to bring the action to a termination shall dismiss the same on the ground that it is not being prosecuted with reasonable effort. Provided that where the plaintiff fails to prosecute an action the court may permit any of the defendants to prosecute the action and may substitute him as plaintiff.

Penalty for dishonest non-disclosure of names of interested persons.

62 Whoever being a party to an action under this Ordinance dishonestly omits to disclose the fact that any person is interested in the said property shall be guilty of a contempt of court and shall be punished by the court which is dealing with the case with imprisonment of either description for a term which may extend to two years or with a fine not exceeding Rs. 1,000 or with both imprisonment and fine.

Method of enforcing orders of court and punishment for disobedience.

63 (1) On application being made by motion the court may order delivery to be made to a party or to a purchaser of the rights to which he is entitled by virtue of proceedings under this Ordinance, and the said order may be enforced in accordance with the provisions of section 287 of the Civil Procedure Code, No. 2 of 1889.

(2) The court shall have power, for the purpose of giving effect to its orders and decrees, to punish as for contempt of court any person disobeying its orders, or obstructing, or resisting, any person acting under its authority.

Partition deeds exempt from stamp duty.

64 All partition deeds shall continue to be exempt from stamp duty.

Surveyors authorized to act under Ordinance.

65 Every court having jurisdiction to try cases under this Ordinance shall from time to time prepare, in consultation with the Surveyor-General, (a) a list of surveyors to whom commissions may be issued under this Ordinance, and (b) schedules of fees payable to such surveyors.

Court to follow procedure in Civil Procedure Code where no other directions are given.

66 In any matter of procedure not provided for in this Ordinance the procedure laid down in the Civil Procedure Code, No. 2 of 1889, may be employed by the court, provided that the same is not inconsistent with the object and scope of this Ordinance.

SCHEDULE. A.

Section 2.

Repeals.

1. Ordinance No. 10 of 1863 and amending Ordinances.
2. Section 12 (4) of Ordinance No. 23 of 1927.

SCHEDULE B.

Section 8.

Summons.

In the District Court of _____
No. _____.

A. B.

Plaintiff.

Vs.

1. C. D.
2. E. F.
3. G. H.

Defendants.

The above-named plaintiff having instituted the above styled action for the partition or sale of the land called _____ in extent _____ situated at _____ in the _____ pattu of _____ Korale, and bounded as follows:—

North—
East—
South—
West—

on the footing that the said land originally belonged to K. Y. _____ and is now owned in the shares set out in the schedule annexed hereto.

You are hereby required to appear in this court on the _____ day of _____ 19____ at 10 A.M. o'clock of the forenoon and to state whether you dispute the accuracy of the share allotted to you or any other party and whether you are aware of any other person having a right in the said land.

You are also required on the said date to produce and file in court all documents and plans relating to the said land.

You are warned that any person withholding information is liable to be punished.

Also you are informed that on the said day the court will decide whether further proceedings in the action shall be continued by it or by a Commissioner of Partitions.

SCHEDULE C.

Section 32.

Fees for Commissioners of Partitions.

(I) Costs Recoverable pro rata.

	Rs.	c.
For drawing summons (including schedule) ..	2	50 each
Notice or other process ..	1	0 ,,
For every copy or translation thereof—		
If the number is 10 or under ..	0	20 ,,
If the number is over 10 and under 50 ..	0	15 ,,
Over 50 ..	0	10 ,,

In no case shall the cost exceed Rs. 10.

(II) Fees payable to the Commissioner.

	Value of Land.				
	Rs. 1,000 and under	Over Rs. 1,000 and under Rs. 3,000	Over Rs. 3,000 and under Rs. 10,000	Over Rs. 10,000 and under Rs. 20,000	Over Rs. 20,000
	Rs.	Rs.	Rs.	Rs.	Rs.
In cases in which the land is wholly or partly partitioned .	50	75	100	150	200
In cases in which the whole land is sold..	35	60	75	100	150

Travelling and batta 50 cents per return mile.

Objects and Reasons.

The purpose of this Bill is to repeal the existing law concerning the partition and sale of lands held in common and to provide in its place a more expeditious and less expensive method of achieving those ends.

2. Co-owners and those who have acquired an undivided interest in any land by making improvements thereon will hereafter be entitled to compel a partition or sale in the manner provided in the Ordinance. The principal change now introduced is that the court, instead of itself dealing with every stage of a partition action, may hereafter delegate the inquiry into the interests of the parties and the making of the partition to a Commissioner of Partitions who will work free from the restraint of rigid rules of procedure and evidence.

3. The other changes are principally concerned with the prevention of the abuses to which the present law has lent itself. Provision is for instance made which avoids the long delays arising out of the necessity for serving of process; but the new procedure insures that those interested are made aware of the proceedings. The delays due to a party dying during the pendency of an action need no longer depend on the difficulties in obtaining administration. The recoverable costs of an action will in future be strictly limited to the items specially mentioned in the Ordinance. Proof that the land sought to be partitioned is only a portion of what should have been the subject matter of the action will not hereafter be an insuperable difficulty. And there are many other such seemingly minor changes which will prevent some of the present undesirable features of a partition action.

4. The reference of an action to a Commissioner of Partitions will not only expedite the termination of the action but it will also certainly help to relieve the congestion of work in the original courts. And even in the Supreme Court the appeals will be fewer, owing to the limitation of the right of appeal to points of law raised in the lower court.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.
Colombo, February 8, 1933.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Central Province will be holden at the Court-house at Kandy, on Friday, March 10, 1933, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Kandy, February 13, 1933.

T. A. HODSON,
Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Kurunegala will be holden at the Court-house at Kandy, on Friday, March 10, 1933, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Kurunegala, February 13, 1933.

C. HARRISON-JONES,
Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Anuradhapura will be holden at the Court-house at Kandy, on Friday, March 10, 1933, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Anuradhapura, February 10, 1933.

W. S. JOSEPH,
for Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Badulla will be holden at the Court-house at Kandy, on Friday, March 10, 1933, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Badulla, February 14, 1933.

J. W. GOONEWARDENE,
for Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Kegalla will be holden at the Court-house at Kandy, on Friday, March 10, 1933, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Ratnapura, February 13, 1933.

C. B. P. PERERA,
for Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

Return of Uncertificated Insolvents for the Half-Year ended December 31, 1932.

In the District Court of Avissawella.

No. of case : 4—Name of insolvent : Alfred Zephyreus Francis of Ruanwella.

No. of case : 5—Name of insolvent : John Henry Arese-
cularatne of Harriford estate, Dehigahapitiya, Avissa-
wella.

No. of case : 6—Name of insolvent : G. Lambert Perera
of Halpandenikanda estate, Digala, Dehiowita.

No. of case : 7—Name of insolvent : Meemanage Gabriel Peries of Avissawella.

No. of case : 8—Name of insolvent : Weliwita Vithanalage Don Juan Appuhamy of Kosgama Ihala.

District Court,
Avissawella, January 10, 1933.

M. CHINNAIYAH,
District Judge.

In the District Court of Badulla.

No. of case : 5—Name of insolvent : Ana Kawenna Chena Seiyadu Mohamado Rawther of Badulla—Remarks : Certificate meeting on January 25, 1933.

No. of case : 9—Name of insolvent : S. Ambalavanar of Badulla—Remarks : Certificate meeting on February 1, 1933.

No. of case : 14—Name of insolvent : K. R. M. Meyappa Thaver alias K. R. Meyappan Kanakkapillai of Passara—Remarks : Order re grant of certificate due on January 10, 1933.

No. of case : 15—Name of insolvent : M. A. S. Seiyadu Abbas of Bandarawela—Remarks : Examination of insolvent on February 17, 1933.

No. of case : 16—Name of insolvent : A. C. Wijeyekoon of Badulla—Remarks : Assignee's report due on January 27, 1933.

No. of case : 17—Name of insolvent : K. K. Sathakku Ibrahim Saibo of Badulla—Remarks : Assignee's report due on February 1, 1933.

No. of case : 18—Name of insolvent : Ana Muna Mohamedu Ibrahim Saibo of Bandarawela—Remarks : Assignee's report due on February 27, 1933.

No. of case : 19—Name of insolvent : M. H. Pakir Saibo of Badulla—Remarks : Account books and balance sheet on January 25, 1933.

District Court,
Badulla, January 21, 1933.

J. N. ARUMUGAM,
District Judge.

In the District Court of Batticaloa.

No. of case : 1—Name of insolvent : Nagapper Chetty Raman Chetty of Batticaloa—Remarks : Protection withdrawn.

District Court,
Batticaloa, January 23, 1933.

M. J. MOLLIGODDE,
District Judge.

In the District Court of Kegalla.

Date of institution : March 12, 1931—No. of case : 61—Name of insolvent : Saiyadu Lebbe Mohamadu Sariff of Mawanella—Remarks : Allowance of the certificate on January 10, 1933.

Date of institution : May 14, 1931—No. of case : 62—Name of insolvent : Segu Amala Marikkar Hadjiar Uduma Lebbe Marikkar of Mawanella—Remarks : Examination of insolvent for January 17, 1933.

Date of institution : May 5, 1932—No. of case : 63—Name of insolvent : Meera Lebbe Marikkar Abdul Wahab of Kiringadeniya—Remarks : Examination of insolvent for February 23, 1933.

Date of institution : July 1, 1932—No. of case : 64—Name of insolvent : Hapudeniya Withanalage Peries Karunasekere of Kongoda—Remarks : Assignee's report on January 17, 1933.

Date of institution : July 1, 1932—No. of case : 65—Name of insolvent : Hapudeniye Withanalage Thomas Karunasekere of Kongoda—Remarks : Assignee's report on January 17, 1933.

District Court,
Kegalla, January 6, 1933.

K. SOMASUNTHARAM,
District Judge.

In the District Court of Mannar.

Nil.

District Court,
Mannar, January 5, 1933.

M. K. T. SANDYS,
District Judge.

In the District Court of Mullaittivu.

No. of case : 1—Name of insolvent : Tampaiya Mudaliyar Saba Rutnam—Remarks : Uncertificated.

District Court,
Mullaittivu, January 7, 1933.

R. S. V. POULIER,
District Judge.

In the District Court of Nuwara Eliya.

Nil.

District Court,
Nuwara Eliya, January 18, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Puttalam.

Nil.

District Court,
Puttalam January 4, 1933. Additional District Judge.

A. R. HALLOCKS,

In the District Court of Ratnapura.

No. of case: 61—Date of filing: June 25, 1930—Name of insolvent: Mellage Hendrick de Silva of Nambapana road, Ratnapura.

No. of case: 62—Date of filing: April 9, 1932—Name of insolvent: Don Juwanis Kalupahana of Ratnapura.

District Court,
Ratnapura, January 11, 1933.

R. Y. DANIEL,
District Judge.

In the District Court of Trincomalee.

Nil.

District Court,
Trincomalee, January 4, 1933.

A. R. SUPRAMANIAM,
District Judge.

Return of Testamentary Cases under Official Administration for the Half-year ended December 31, 1932.

In the District Court of Nuwara Eliya.

Nil.

District Court,
Nuwara Eliya, January 18, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Ratnapura.

No. of case: 774—Whose estate: Hatiringe Davith Appuhamy of Walalgoda.

No. of case: 848—Whose estate: Jayasundera Mudiyanse-laye Lokubandara of Kiriella.

No. of case: 895—Whose estate: Mawalage Mituruhamy of Panahetagama.

No. of case: 928—Whose estate: Weerawardena Nalla-peruma Dissanayake Simon Bandara of Kolonna.

No. of case: 961—Whose estate: Beligaswatte Akkarak-kuruppu Mudiyanse-lage Rattranhamy of Kotamulla.

No. of case: 983—Whose estate: Bastian Korallaye Lazarus Rodrigo of Naluwala.

District Court,
Ratnapura, January 11, 1933.

R. Y. DANIEL,
District Judge.

In the District Court of Trincomalee.

Nil.

District Court,
Trincomalee, January 4, 1933.

A. R. SUPRAMANIAM,
District Judge.

List of all Moneys received and paid on account of Estates under Official Administration for the Half-Year ended December 31, 1932.

In the District Court of Nuwara Eliya.

Nil.

District Court,
Nuwara Eliya, January 18, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Trincomalee.

Nil.

District Court,
Trincomalee, January 4, 1933.

A. R. SUPRAMANIAM,
District Judge.

List of Trustees appointed under Ordinance No. 7 of 1871, for the Half-Year ended December 31, 1932.

In the District Court of Nuwara Eliya.

Nil.

District Court,
Nuwara Eliya, January 18, 1933.

R. ALUWIHARE,
District Judge.

In the District Court and Court of Requests of Trincomalee.

Nil.

District Court,
Trincomalee, January 4, 1933. District Judge and Commissioner.

A. R. SUPRAMANIAM,

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,272. In the matter of the insolvency of W. M. M. Usoof and others of Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 14, 1933, for the declaration of dividend.

February 9, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,379. In the matter of insolvency of G. V. Fernando, carried on business as G. P. Fernando & Son, at Bankshall street, Colombo, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the sitting of this court on March 7, 1933, for the proof of the claim L. Paramasivampillai.

February 14, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,456. In the matter of the insolvency of W. A. Stewart of Initium road, Dehiwala.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 16, 1933, for the grant of a certificate of conformity to the insolvent.

February 8, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,492. In the matter of the insolvency of T. M. John Fernando of Lily street, Slave Island, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 16, 1933, for the grant of a certificate of conformity to the insolvent.

February 8, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,497. In the matter of the insolvency of U. L. Daniel Silva of Rajagiriya, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 16, 1933, for the grant of a certificate of conformity to the insolvent.

February 8, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,586. In the matter of the insolvency of Shaik Imaum Shaik Ameer of New Bazaar, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 11, 1933, for the grant of a certificate of conformity to the insolvent.

February 8, 1933. By order of court, A. E. PERERA,
for Secretary.

10 In the District Court of Kalutara.
 No. 284/I. In the matter of the insolvency of R. E. de Silva of Elivila in Panadure.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 30, 1933, to examine the insolvent.

By order of court, A. W. LUDEKENS,
 February 9, 1933. Secretary

In the District Court of Kandy.
 No. 1,979. In the matter of the insolvency of Thenahennadige Sumanasena of Katugastota.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 10, 1933, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, T. J. M. FERNANDO,
 February 11, 1933. Acting Secretary.

In the District Court of Kandy.
 No. 1,988. In the matter of the insolvency of F. D. I. Ekanayake of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on February 24, 1933, to appoint an assignee.

By order of court, T. J. M. FERNANDO,
 February 11, 1933. Acting Secretary.

In the District Court of Kandy.
 No. 1,991. In the matter of the insolvency of George Peter de Cruse of No. 1064, Peradeniya road, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 10, 1933, to appoint an assignee.

By order of court, T. J. M. Fernando,
 February 11, 1933. Acting Secretary.

In the District Court of Kandy.
 No. 1,992. In the matter of the insolvency of Lebbe Tamby Abdul Majeed of Matale.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 17, 1933, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, T. J. M. FERNANDO,
 February 11, 1933. Acting Secretary.

In the District Court of Matara.
 Insolvency Case No. 76. In the matter of the insolvency of Abamed Cassim Mohamed Thaha of Matara.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of conformity as of the first class.

By order of court, R. MALALGODA,
 February 9, 1933. Secretary.

In the District Court of Matara.
 No. 77. In the matter of the insolvency of Segu Meera Lebbe Mohamed Abdul Cader of Kotuwegoda in Matara.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 5, 1933, to consider assignee's report.

By order of court, H. L. D. DE SILVA,
 February 7, 1933. Secretary.

In the District Court of Matara.
 Insolvency Case No. 93. In the matter of the insolvency of Cassim Lebbe Marikar Ahamed Ismail of Deniyaya.

NOTICE is hereby given that a sitting of this court to receive the assignee's report has been extended to March 10, 1933.

By order of court, R. MALALGODA,
 February 7, 1933. Secretary.

In the District Court of Negombo.
 No. 39/I. In the matter of the insolvency, Abdul Maulana Seiyadu Mustapha of Chilaw, insolvent.

NOTICE is hereby given that this court has annulled the adjudication of the above-named as an insolvent, and has withdrawn the protection from arrest granted to the insolvent in the above case.

By order of court, S. P. STOUTER,
 Chilaw, February 11, 1933. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.
 (1) Susan Maud Creasy, (2) Francis Ernest Jolliffe, carrying on business at Colombo under the name, style and firm of H. J. Pappe & Co. Plaintiffs.

No. 35,659. Vs.
 Wasuriya Aratchige Dona Theresa de Saram of Nagoda in Ragam pattu of Alutkuru korale Substituted Defendant.

NOTICE is hereby given that on Thursday, March 23, 1933, at 2 P.M., will be sold by public auction at the premises the right, title, and interest of the said substituted defendant in the following property for the recovery of the sum of Rs. 1,264.80, with interest thereon at 9 per cent. per annum from November 29, 1929, to November 14, 1932, and thereafter on the aggregate amount at the same rate till payment in full, and costs of suit, viz. :—

All that land and premises called and known as Andrew Villa, situated at Epamullapamunugama in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; together with the buildings standing thereon; bounded on the west by seashore, on the east by high road, on the north by the property of J. F. Manuel and others, and on the south by the property of J. S. Peiris and others; containing in extent about 5 acres.

Fiscal's Office, CARL E. ARNDT,
 Colombo, February 15, 1933. Deputy Fiscal.

In the District Court of Colombo.
 A. P. Wickremaratne of Hekitta in Hendala . . . Plaintiff.
 No. 46,224. Vs.
 R. D. G. Wijewardene of Ranala in Hanwella. . . Defendant.

NOTICE is hereby given that on Friday, March 24, 1933, at 2 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 3,400 with further interest on Rs. 3,000 at 16 per cent. per annum from September 15, 1931, to date of decree (November 11, 1931) and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that land called Imbulgahawatta alias Tekkawatta situated at Nawagomuwa in the Palle pattu of Hewagam korale in the District of Colombo, Western Province; and bounded on the north by high road, on the west by land of Gunasekera, on the south by owita of the villagers, and on the east by Madangahawatta; containing in extent about 8 acres.

Fiscal's Office, CARL E. ARNDT,
 Colombo, February 15, 1933. Deputy Fiscal.

In the District Court of Colombo.
 Pana Sayna Sayna Moona Kana Theena Kadiresan Chettiar of 139, Sea street, Colombo Plaintiff.
 No. 47,098. Vs.

Kudahettiachchige Darolis of Mumbingama in the Gangaboda pattu of Siyane Korale Defendant.

NOTICE is hereby given that on Tuesday, March 21, 1933, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1,131 dated January 20, 1930, attested by C. Perumalpillai, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated September 12, 1932, for the recovery of the sum of Rs. 600, with interest thereon at 21 per cent. per annum from January 20, 1930,

till date of decree, July 25, 1932, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, less Rs. 105, and less defendant's costs of filing answer, and of trial, viz. :—

1. *At 11 a.m.*—An undivided 1/32 share from and out of the allotment of land called Makulugahakumbura, situated at Thimbirigama in the Gangaboda pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by the liminary dam of the field called Makulugahakumbura belonging to Wanniachchige Babanis Appu, on the east by the land called Kurunduwatta, on the south by the field called Maditiyagahakumbura belonging to Walimunne Appuhamillage people, and on the west by the land called Delgahawatta; containing in extent about 4 bushels of paddy sowing, and registered in D 133/154.

2. *At 11.30 a.m.*—An undivided 6/36 share of the land called Makulugahakumbura, situated at Thimbirigama aforesaid; and bounded on the north by the liminary dam of the field called Makulugahakumbura belonging to Wanniachchige Babanis Appu, on the east by the land called Kurunduwatta, on the south by the land called Maditiyagahakumbura belonging to Walimunne Appuhamillage people, and on the west by Delgahawatta; containing in extent about 8 bushels of paddy sowing, and registered in D 157/77.

3. *At 12 noon.*—An undivided 1/24 share of Wekadakumbura, situated at Thimbirigama aforesaid; and bounded on the north by the liminary dam of the field of Handugalage Davith Appu, on the east by the ditch of the land belonging to Henry Wijesinghe, on the south by the liminary dam of the field of Lokuhettiachige Amaris Appu, and on the west by the land of Wanniachchige Babyhamy; containing in extent about 8 bushels of paddy sowing, and registered in D 144/208.

4. *At 12.30 p.m.*—An undivided 8/252 share of the land called Wekadakumbura, situated at Thimbirigama aforesaid; and bounded on the north by the liminary dam of Irawella of Manikarala, on the east by the high land belonging to the heirs of the late Wanniachchige Elenis Appu and others, on the south by the liminary dam of the field of Lokuhettiachige Amaris, and on the west by high land belonging to Walimunneappuhamillage Simon Appuhamy and others; containing in extent about 10 bushels of paddy sowing, and registered in 157/89.

5. *At 1 p.m.*—An undivided 11/48 share of the land called Kahatagahawatta, situated at Thimbirigama aforesaid; and bounded on the north by the portion of Kahatagahawatta belonging to Andris Appu, on the east by the strip of Ambagahakumbura, on the south by the ditch, and on the west by the ditch and the live fence; containing in extent about 5 bushels of paddy sowing, and registered in D 96/98.

6. *At 1.30 p.m.*—All the right, title, and interest of K. Carolis in and to all that lot marked D out of the land called Kahatagahawatta, situated at Dambutuwa in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north-east by lots B and C, on the south-east by Batadombagahawatta, south-west by land of Sethhamy and others, and on the north-west by the land of Magalage Velun Appu; in extent 1 rood and 33 28/100 perches, and registered in F 86/19.

Fiscal's Office,
Colombo, February 15, 1933.

CARL E. ARNDT,
Deputy Fiscal.

In the District Court of Colombo.

(1) K. S. P. S. Kadiresan Chettiar, and (2) A. R. K. N. Arunasalam Chettiar, both of Sea street, Colombo..... Plaintiffs.

No. 50,056. Vs.

A. T. K. P. L. M. Muttiah Chettiar of Sea street, Colombo, represented in Court by his attorney Letchiman Chettiar, son of Arunasalam Chettiar..... Defendant.

NOTICE is hereby given that on Saturday, March 18, 1933, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 16,500, with interest thereon at 9 per cent. per annum from May 7, 1932, to date of decree, December 21, 1932, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

1. *At 10 a.m.*—All that house and ground bearing No. 232/78A, situated at New Moor street, within the Municipality and District of Colombo, Western Province; and bounded on the north by New Moor street, on the east by premises No. 77/860/234, New Moor street, the property of A. Abdul Careem, on the south by premises No. 62,849/28,

Hulftsdorp street, and west by premises No. 78,861/230 New Moor street; containing in extent about 3½ perches more or less. Registered in A202/55.

2. *At 10.30 a.m.*—One undivided half part or share of and in all that allotment of land marked letter B in the plan thereof, with the buildings constructed thereon bearing assessment No. 44/91, situated at Sea street, Colombo, within the Municipality and in the District of Colombo, Western Province; and bounded on the north by house and ground No. 45/93 of H. Batcho Fernando, east by Sea street, south by lot A bearing assessment No. 43/87, and west by property of Mr. Holmes; containing in extent 9 square perches and 80/100 perches. Registered in A209/278.

Fiscal's Office,
Colombo, February 15, 1933.

CARL E. ARNDT,
Deputy Fiscal.

In the District Court of Kalutara.

Manna Marakkalage Elaris Cooray of Wadduwa. Plaintiff.
No. 16,942. Vs.

(1) Weerakondabaduge Juwanis Fernando of Desastra Kalutara, personally and as legal representative over the estate of the late Weerakondabaduge Anthonis Fernando, (2) Weerakondabaduge Gilines Fernando, (3) ditto John Fernando, both of Desastra Kalutara..... Defendants.

NOTICE is hereby given that on Tuesday, March 14, 1933, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property (mortgaged by the defendants with plaintiffs and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 1,160.50, with interest at 16½ per cent. per annum from June 10, 1931, to August 29, 1932, on Rs. 1,081.80 and thereafter on the aggregate at 9 per cent. per annum till payment in full, viz. :—

The undivided ¼ share of the soil and trees of the land called Mandadiganwatta, together with an undivided ¼ share of the planters' ½ share of the 2nd plantation, the entirety of the tiled house and the well standing thereon, situated at Desastra, Kalutara in Kalutarabadde of Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north by a portion of the same land, east by Pelawatta, south by land wherein Erolis Appu had resided and now belonging to the Crown, and west by a portion of Ratmahara in which W. Davith Perera now resides; containing in extent about 1 acre.

Deputy Fiscal's Office,
Kalutara, February 13, 1933.

D. J. JAYASUNDERA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

A. S. Saibo of Madawala, Katugastota..... Plaintiff.
C.P.H. Dharmaratna of Hurikaduwa.. Substituted Plaintiff.

No. 37,592. Vs.

(1) S. T. Ponnasamy Pillai, (2) A. Sidambaram Pillai, (3) Seetharama Mudaliyar, all of 47, Trincomalee street, Kandy..... Defendants.

NOTICE is hereby given that on Monday, March 13, 1933, at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the above-said 1st defendant for the recovery of the sum of Rs. 692.50, with legal interest on Rs. 493.75 from February 5, 1929, till payment in full, and poundage, in the following property, viz. :—

An undivided ¼ part or shares out of all that southern part or share in extent 19 acres 2 roods and 26½ perches of and in all that land called Pallewahalewatta alias Uyanwatta, situate at Pilawela in Udagampaha of Pata Dumbara in the District of Kandy, Central Province; and which said southern part or share is bounded on the north by the remaining portion of this land allotted to Marimuttu, east by the lands belonging to Kahawatta Arachchila and Pallewahalawatta Kangany, south by the field called Udawela, and west by the lands belonging to Siharala and Panikkaya; together with a like share of the buildings, plantations, and everything thereon; which said land is described as of per plan dated October 13, 1920, made by O. V. Bartholomeusz, Licensed Surveyor; and bounded on the east by Hawadiyagewatta, south by Tennekoon-gederawatta, west by Jakambekumbura and Panikkayagewatta, and north by remaining portion.

(2) An undivided $\frac{1}{2}$ share from and out of all that north-eastern half part or share of 4 acres and 1 rood in extent of and in all that allotment of land called Atuwagawawatta described as of $8\frac{1}{2}$ acres in extent in the whole, situate at Nattarampota in Udagampaha aforesaid; and which said north-eastern half part or share is bounded on the east by the fence of the summit on which the banyan tree stands, south and west by the remaining half share of this land, and on the north by the bank of Selambram's garden; and which said entire land contains in extent 7 acres 2 roods and 32 perches.

Fiscal's Office,
Kandy, February 13, 1933.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Kandy.

Kana Nana Rawana Mana Nalla Caruppan Chettiar of No. 205, Trincomalee street, Matale (Curator of the property of Kana Nana Ramasamy Chettiar's children, (1) Sewattachy, (2) Annamalay Chettiar, (3) Kanuattachy, minors, all of Samuganatham Patnam in India) Plaintiffs.

No. 42,279. Vs.

(1) Kadiwail's daughter Paarwathie Ammal and her husband, (2) Keediyar Marimuttu Annamalai, both of Kirigalpothe, Matale Defendants.

NOTICE is hereby given that on Thursday, March 16, 1933, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 4,997, with legal interest thereon from May 17, 1932, till payment in full, and costs, on or before November 17, 1932, viz. :—

1. All that allotment of land containing in extent $9\frac{67}{100}$ perches, and situated at Trincomalee street, Matale, within the Urban District Council area in Matale; and bounded on the east by H. Punchi Singho's land, now the road newly opened, on the south by M. T. M. Muthappa Chettiar's land, now the property of Tana Sangara Asary, on the west by high road leading to Trincomalee, and on the north by I. L. S. Seiyado Mohamado Lebbe's land, now the property of S. E. Seiyado Mohammado Booharie; together with the tiled roofed two boutiques which formerly bore assessment Nos. 212 and 213 and lately bore Nos. 205 and 206 and presently bearing Nos. 209 and 210, with everything thereon; registered in A 3/293, and mortgaged with the plaintiff upon bond No. 409 dated July 13, 1928, and attested by Mr. Cyril Wambeck, Notary Public, of Kandy.

Deputy Fiscal's Office,
Matale, February 14 1933.

S. D. CUMARASWAMY,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

J. D. Jayasundera of Meepe Plaintiff.
No. 30,422. Vs.

Talpe Gamage Victor de Silva of Happawana, administrator of T. G. Cyrus de Silva Defendant.

NOTICE is hereby given that on Saturday, March 11, 1933, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. Six seers of paddy sowing extent of the field called Balapuwakumbura, situated at Meepe in Talpe pattu and in extent 14 fathoms all round; and bounded on the north by Wajgekumbura, east by Poduwakumbura, south by Duwakumbura and Geeganagekumbura, and west by Tuduwewatta.

2. Undivided $\frac{1}{2}$ of Godamagakumbura alias Godagama-kumbura alias Eligiriyekumbura, situated at Meepe aforesaid and in extent 204 fathoms all round; and bounded on the north by Godagamawatta, east by Andairawatta and Kanattageirawalla, south by Gulugahabedda, and west by Ihalagodagamakumbura.

3. Three kurunies paddy sowing extent of the field called Mulanekumbura, situated at Meepe aforesaid and in extent 132 fathoms all round; and bounded on the north by Yagaldoowa, east by Heenirawalla, south by Vithangewatta, and west by Arambeadderaliyadda.

4. Six kurunies paddy sowing extent of Bogahakumbura, situated at Meepe aforesaid and in extent 3 pelas paddy sowing; and bounded on the north by Irawalla, east by Vithangewela, south by Bogahadeniya and Vithanegewatta, and west by Gelagahakumbura.

5. $\frac{1}{24}$ th part of the soil and soil share trees of Attatamanagewatta together with $\frac{1}{3}$ of the planter's share of the 2nd plantation thereon of the land called Attatamanagewatta, situated at Pilna in Talpe pattu and in extent about $1\frac{1}{2}$ acres; and bounded on the north by Crown jungle, east by Balagewatta, south by Gorakagaha, and west by Wepallagewatta.

6. $\frac{2}{3}$ of Gorakagahaliyadda (exclusive of the Government share) with tiled 7 cubits house built by Cyrus de Silva and the 5 coconut trees planted by Cyrus de Silva, situated at Pilane aforesaid and in extent 8 kurunies paddy sowing; and bounded on the north by Attatamanagewatta, east by Rukketiyekumbura, south by Potuwilakumbura, and west by Wepellageowita.

7. Six kurunies paddy sowing extent of Helliyyadda, situated at Happawana in Talpe pattu and in extent about 2 acres; and bounded on the north by Irawallekumbura, east by Diwalekumbura, south by Vithangewatta, and west by Getagahawatta.

8. $\frac{3}{10}$ th of Hemage Udumulla, situated at Pilane Amukotuyaya and in extent 3 bags of paddy sowing; and bounded on the north by Crown jungle, east by Paragahawatta, south by Wiladderakumbura and Wiladderayawita, and west by Crown jungle.

9. $\frac{1}{3}$ of Baduwatta alias Walauwewatta, situated at Pilane aforesaid and in extent about 2 acres; and bounded on the north by Crown jungle, east by Godagewatta, south by Jambugahakumbura alias Nambiyaowita, and west by Kukulagewatta.

10. Lot E of Hemagewatta alias Tikantantirigewatta, situated at Pilane aforesaid and in extent 1 rood and 0.43 perches; and bounded on the north-east and east by lot D of the same land, south-west and north-west by Hindaliyawatta alias Kaluthambigewatta.

Lands Nos. 1 to 7 are under seizure under writ in D. C. Galle, case No. 22,108 also.

Writ amount Rs. 6,477.24, with legal interest thereon from December 18, 1931, till payment in full.

Fiscal's Office,
Galle, February 8, 1933.

J. R. WEERASEKERA,
Deputy Fiscal.

In the District Court of Matara.

Mohammadu Lebbe Marikkar Matticham Mahammadu Ismail of Watagedaramulla Plaintiff.

No. 1,808. Vs.

(3) Ismail Lebbe Marikkar Husaina of Fort, Galle Defendant.

NOTICE is hereby given that on Saturday, March 18, 1933, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 551.04, viz. :—

All that divided and separated lot C of the land called Amuwatta, situated at Beralahya in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Mamarathedipittaniya, east by Bogahawatta and Panikkiyawatta, south by Pitteniyewatta, and on the west by Polatu-ganga and lots B and A of the same land; and containing in extent 2 acres and 26 $\frac{1}{2}$ perches.

Deputy Fiscal's Office,
Matara, February 13, 1933.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Matara.

V. E. P. R. Periya Karuppan Chettiar of Matara Plaintiff.

No. 4,451. Vs.

(1) W. W. de Silva of Nupe and another Defendants.

NOTICE is hereby given that on Saturday, March 18, 1933, commencing at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 366.80, viz. :—

1. An undivided $\frac{1}{12}$ share of the soil and fruit trees of the land called Ipitawatta situated at Kudalurnulla in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Batawalakandewatta, east by Sijjajjakanattewatta, south by Mehaitawatta, and on the west by Batawalakandewatta; and containing in extent 3 acres 3 roods; registered in D 195/26.

2. An undivided 1/12 share of soil and trees, and the entirety of the 15 cubit tiled house standing thereon, of the land called Kottegawadeniya Addarawatta, situated at Kudalumulla aforesaid; and bounded on the north by Kesralagehena, east by Galganagewatta, south by high road, and on the west by deniya; and containing in extent 1½ acres; registered in D 270/173.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, February 10, 1933. Deputy Fiscal.

In the District Court of Tangalla.

A. H. Don Dionis de Silva of Mawella Plaintiff.
No. 2,560. Vs.

N. Babappu de Silva of ~~Polommaruwa~~ Defendant.
Don Mathes Wickramasekera Rajapakse of Polommaruwa Surety.

NOTICE is hereby given that on Saturday, March 11, 1933, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said surety in the following property for the recovery of Rs. 148.20 and poundage, viz. :-

(1) At Polommaruwa.—All that soil and plantations of the land called Medawatta, in extent 2 kurunies of kurakkan sowing, at Polommaruwa in West Giruwa pattu of Hambantota District; and bounded on the north by Mahagedara, east by dewata, south by Kachcheriyagedara, and west by Pawulakoratuwa and Giganagedara; together with the 18 cubits tiled house standing thereon. Value Rs. 1,300.

A. L. M. NOOR MOHAMED,
Deputy Fiscal's Office, Additional Deputy Fiscal.
Tangalla, February 13, 1933.

In the District Court of Tangalla.

Don Andiris Wijesekara of Pallegama Plaintiff.
No. 3,473. Vs.

Don Dias Ratnayaka of Hinbunna, legal representative in guardian case No. 91, D. C. Tangalla. ... Defendant.

NOTICE is hereby given that on Tuesday, March 14, 1933, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 617.48, with legal interest on Rs. 514.43 from December 8, 1932, and poundage, viz. :-

(1) Undivided ½ part of the soil and of the plantations and of the buildings standing thereon of the land called Jambugahawatta, alias Ambagahawatta, containing in extent 2½ acres, situated at Ranna in West Giruwa pattu of Hambantota District; and bounded on the north by high road, east by Paluoya, south by Dangahamulana, and west by portion of land belonging to Kandambi Mudaliyar. Value Rs. 600.

(2) Undivided ¾ shares of the field called Udapallanna, containing in extent 6 amunams of paddy sowing, situated at Ranna; and bounded on the north by Aligahawala, east by Wekandiya, south by Kotiyamalamullebediwetiya, and west by Beddewelainniyara. Value Rs. 540.

A. L. M. NOOR MOHAMED,
Deputy Fiscal's Office, Additional Deputy Fiscal.
Tangalla, February 13, 1933.

North-Western Province.

In the District Court of Kurunegala.

(1) K. M. P. R. Kamalappa Chettiar, (2) K. M. P. R. Periya Karuppan Chettiar by their attorney Vee-yanna Rana Rajakristna Rawath of Kurunegala Plaintiff.
No. 15,770. Vs.

K. Walter Peris of Gorakapola, Panadura. ... Defendant.

NOTICE is hereby given that on Saturday, March 11, 1933, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 8,493.75, with interest on Rs. 7,500 at 18 per cent. per annum from April 23, 1931, to July 10, 1931, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, less Rs. 430, viz. :-

All that allotment of land called Talgahamulawatta, situate at Dandagomuwa in Katugampola korale of the Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by

the lands of Setuhamy and others, and Dasanayaka Mudi-yanselage Manelhamy Koralearachy, east by the road, south by the lands of Silva Gunesekara and Dr. J. H. de Silva, and west by the land belonging to Dr. J. H. de Silva; and containing in extent 26 acres and 38 perches. Registered in C 415/77, G 454/54, C 554/96.

Fiscal's Office, A. BASNAYAKE,
Kurunegala, February 14, 1933. Deputy Fiscal.

In the District Court of Colombo.

M. Piyadasa of "Siri Lena," Temple road, Colombo Plaintiff.
No. 49,972. Vs.

Herath Mudalige Juwanis Appuhamy of Pilakatumulla Nathandiya in the District of Chilaw, administrator of the intestate estate of the late Amarasinghe Aratchige Don Girigoris Appuhamy of Horatapola, Kurunegala, deceased Defendant.

NOTICE is hereby given that on Monday, March 13, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant as administrator in the following property mortgaged with the plaintiff by bond No. 367 dated November 12, 1929, and attested by Albert F. Peries of Colombo, Notary Public, and declared specially bound and executable under the decree dated November 18, 1932, entered in the above action and ordered to be sold by the order of court dated January 23, 1933, for the recovery of the sum of Rs. 1,686.85, with interest on the principal sum of Rs. 1,000 at the rate of 16 per cent. per annum from August 1, 1932, to date of the said decree, November 18, 1932, and thereafter on the aggregate amount of the said decree at the rate of 9 per cent. per annum till payment in full, and poundage, viz. :-

All those undivided 23/72 parts or shares of all that allotment of land called Kahatagahamulahena, Kongahamulawatta, together with the buildings, plantations, and everything standing thereon, situated at Horatepola village in Katugampola korale, south of Katugampola hatpattu in the District of Kurunegala, North-Western Province; bounded on the north by a road, on the east by a path reservation, on the south by lots 55, 56, and 57, on the west by T. Ps. 389,169, 389,205, and 389,204, a road and lot 8; containing in extent 23 acres 3 rods and 18 perches as per T. P. No. 394,724 dated October 25, 1928, signed by C. R. Lundie, Acting Surveyor-General, and registered under title C 527/70 in the Kurunegala Land Registry.

Fiscal's Office, A. BASNAYAKE,
Kurunegala, February 6, 1933. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Rupahinge Herathamy of Niriella Plaintiff.
No. 5,584. Vs.

Kodituwakku Aratchillaye Dionisappuhamy of Niral-gama by his Manager, R. A. Wasanahamy of Niral-gama Defendant.

NOTICE is hereby given that on Saturday, March 11, 1933, at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,729, with interest on Rs. 1,400 at the rate of 12 per centum per annum from September 11, 1931, till November 4, 1931, and thereafter interest on the aggregate amount at the rate of 9 per centum per annum till payment in full, and costs of suit, Rs. 132.55, viz. :-

An undivided ½ share of a portion of Alahentamehenyaya, together with the whole of the tiled house standing thereon, situated at Niralgama in Meda pattu of Nawadun korale in Ratnapura District of the Province of Sabaragamuwa; which portion is bounded on the north by Umamolawatta and the allotment of land belonging to Podi Bandara Mahatmaya and others, east by Gansabhawa road and the allotment of land belonging to Appallagamage Punchitana and the allotment of land belonging to Mahawalattenna Kumarihamy, south by Alupotha Gammaina, and on the west by the allotment of land sold by the Crown and the allotment of land belonging to Wannu Aratchillaye Ratanhamy; and containing in extent about 20 acres, and all the right, title, interest, and claim whatsoever of the defendant into, upon, or out of the said several premises mortgaged by the defendant and registered at the Ratnapura Land Registry under folio B 191/151.

Fiscal's Office, H. C. WIJESINHE,
Ratnapura, February 14, 1933. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Anne Julia Morgappah of Ambalama No. 5,579. road in Kotahena, Colombo, deceased.

Edward Justin Pasqual Pullenayegum of 18th lane, Bambalapitiya, Colombo Petitioner.

- (1) Enid Blossom Christina Casie Chitty of Ahangama, (2) Hilda Cecilia Alexandra Casie Chitty of Kotahena, (3) Julia Florimal Morgappah of Kandana, (4) Chandler Fredrick Ivor Morgappah of Dehiwala Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 30, 1933, in the presence of Mr. B. O. Pullenayegum, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 11, 1933, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as an heir of the above-named deceased, to have letters of administration *de bonis non* to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 30, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of, Egodawatte Aratchige Don No. 6,095. Johannes Appuhamy of Attidiya in the Pallepattu of Salpiti korale, deceased.

Egodawatte Aratchige Don Arthur Gilbert Jayawardene of Attidiya Petitioner.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on July 17, 1932, in the presence of Mr. B. S. Wickremaratne, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated May 25, 1932, and (2) of the attesting notary also dated May 25, 1932, having been read:

It is ordered that the last will of Egodawatte Aratchige Don Johannes Appuhamy, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

July 17, 1932.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Abesingh Achelige Don Gabriel of Kahatuduwa in the Udugaha pattu of Salpiti korale, deceased.

Wewakodige Mango Hamy of Kahatuduwa Petitioner.

And

- (1) Abesingh Achelige Michel Singho, (2) ditto Don James, (3) ditto Don Carolis, (4) ditto Baba Nona, (5) ditto Don Andy Singho, (6) ditto Dona Chalo Nona, (7) ditto Don Edmund, minor, appearing by his guardian *ad litem*, the 2nd respondent above named, all of Kahatuduwa, (8) Ganegodage Wilfred, and (9) ditto Amarawathie Hamine, both minors, appearing by their guardian *ad litem*, (10) ditto Arnolis Perera of Wewita in Raigam korale Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 6, 1932, in the presence of Mr. E. L. W. Aponso, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 5, 1932, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her,

unless the respondents above named or any other person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

October 6, 1932.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Ranasinghe Aratchige Podi Singho No. 6,131. Appuhamy of Gabo's lane, Pettah, Colombo, deceased.

Hettiaratchige Lucy Hamy of 1st Gabo's lane, Pettah, Colombo Petitioner.

- (1) Ranasinghe Aratchige Kavadasa, (2) ditto Chandradasa, (3) ditto Jayadasa, (4) ditto Gertie *alias* Nandawathi, (5) ditto Gnanadasa, minors, appearing by their guardian *ad litem*, (6) Jayawera Muhoppu Aratchige Thomas Perera, all of Gabo's lane, Pettah, Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 22, 1932, in the presence of Mr. R. P. Weerasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 23, 1932, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before November 3, 1932, show sufficient cause to the satisfaction of this court to the contrary.

September 22, 1932.

G. C. THAMBYAH,
District Judge.

The date for showing cause is extended and re-issued for February 23, 1933.

November 3, 1932.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Liyanage Andie Silva of Slave Island, No. 6,318. Colombo, deceased.

Atulugamage Roslin Silva of Slave Island, Colombo Petitioner.

- (1) L. Edmund Silva, (2) L. Pennis Silva, (3) L. Gnana-wathie Silva, (4) L. Kamawathie Silva, (5) L. Nandawathie Silva, and (6) L. Wimalawathie Silva; the 1st to the 6th respondents are minors appearing by their guardian *ad litem*, (7) Atulugamage Romanis Silva of Waidiya lane, Dehiwala Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 12, 1932, in the presence of Mr. A. H. Seneviratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 9, 1932, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

December 12, 1932.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of menon Abdul Rahman Abbar of No. 6,358. Kutubana Kathawala, Bombay, deceased.

Mohamado Abdul Rahman of 245, Main street, Pettah, Colombo Petitioner.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 31, 1933, in the presence of Mr. N. Ramachandra, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated January 24, 1933,

and (2) of the attesting notary dated January 31, 1933, and the order of the Supreme Court dated November 3, 1932, having been read :

It is ordered that the last will of Abdul Raheman Abbar, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly; unless any person or persons interested shall, on or before March 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 31, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Beatrice Mary Winifred O'Connell, late No. 6,328. of Freehill, Nuwara Eliya, deceased.

Frederick John de Saram also known as Fred de Saram of Caffoor buildings, Fort, Colombo, attorney of Douglas Goodall Woodall O'Connell, also known as Douglas O'Connell of Freehill, Nuwara Eliya, presently in England Petitioner.

(1) Edwin Hill Johnson of Maruyillumbala, New South Wales, Australia, (2) Fanny Eleanor May Morris, and (3) Ethel Florence Johnson, both of Nuwara Eliya, (4) Rebecca Amy Maddock of Turisgalla, Rangalla Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 20, 1933, in the presence of Mr. Melian Samarasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 11, 1932, power of attorney in favour of the petitioner, and the order of the Supreme Court dated December 12, 1932, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as attorney of Douglas Goodall Woodall O'Connell, the husband of the above-named deceased, to have letters of administration to the estate of the above-named deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 20, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Wickremesinghe Aratchige Abraham No. 6,363. Perera of Kelaniya, deceased.

Harigampita Mabel Jayatilake of Peliyagoda Pattiya, now of 186/16, Grandpass road, Colombo ... Petitioner.

And
(1) Wickremesinghe Aratchige Bempy Perera and his wife, (2) Poi Hamy, both of Peliyagoda Pattiya Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 4, 1933, in the presence of Mr. F. G. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 3, 1933, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Balambikai of 29, Kew road, Slave No. 6,365. Island, in Colombo, deceased.

S. Ratnasamy Aiyer of 29, Kew road, Slave Island, in Colombo Petitioner.

And
Rathennamah of 29, Kew road in Colombo Respondent.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February

4, 1933, in the presence of Mr. W. D. N. Selvadurai, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 2, 1933, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Robert Alexander Milne of Lanka, No. 54, Park Hill road, Wallington in the County of Surrey, formerly of Colombo in the Island of Ceylon, deceased. No. 6,369.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 7, 1933, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Mr. John Milne of Periyamulla Mills, Negombo; and the affidavit of the said petitioner dated January 31, 1933, a certified copy of probate, a certified copy of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated January 27, 1933, having been read: It is ordered that the will of the said deceased dated October 6, 1925, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of Elizabeth Rosa Milne, the sole executrix named in the said will, and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before February 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ranwala Mudianselage Ukku Banda, No. 5,145. deceased, of Ganhata.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on December 21, 1932, in the presence of Mr. P. B. Panabokke on the part of the petitioner, Ranwala Mudianselage Loku Banda Ranwala of Ganhata; and the affidavit of the said petitioner and of the witnesses to the last will, both dated December 19, 1932, having been read:

It is ordered that the will of the above-named deceased, dated December 6, 1932, and now deposited in this court, be and the same is hereby declared proved, unless Ranawana Herath Mudianselage Pallewalauwe Bisso Menike of Ganhata shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Loku Banda Ranwala is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents above named shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

December 21, 1932.

R. F. DIAS,
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Case No. 170. Mututantrige James Fernando of Kehelwatta in Panadure, deceased.

M. Christina Fernando of Coombwood estate, Talawakele Petitioner.

And
M. Lilian Fernando of Coombwood estate, Talawakele, assisted by her husband, M. Wilmot Fernando, also of Coombwood estate, Talawakele Respondent.

THIS matter coming on for disposal before R. Aluwihare, Esq., District Judge of Nuwara Eliya-Hatton, on December 23, 1932, in the presence of Mr. A. J. M. de Silva, Proctor,

on the part of the petitioner; and the affidavit and petition of the said petitioner dated December 21 and 23, 1932, respectively, having been read:

It is ordered that the said petitioner, as wife of the said deceased, be and she is hereby declared entitled to have letters of administration issued to her accordingly, unless the respondent, M. Lilian Fernando assisted by her husband, M. Wilmot Fernando, both of Coombwood estate, or any person or persons interested shall, on or before January 24, 1933, show sufficient cause to the satisfaction of this court to the contrary.

December 23, 1932.

R. ALUWIHARE,
District Judge.

The date for showing cause is extended to February 21, 1933.

January 23, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

Testamentary In the Matter of the Estate of the late Jurisdiction. Maruda Kavenden *alias* Petna Sadayan, No. 171. head kangany of Tientsin, Bogawantawawa, deceased.

THIS matter coming on for disposal before R. Aluwihare, Esq., District Judge of Nuwara Eliya-Hatton, on February 7, 1933, in the presence of Messrs. Modder & La'Brooy, Proctors, on the part of the petitioner; and the affidavit of Peyna Sadayan Veeran dated January 16, 1933, having been read:

It is ordered that the will of Maruda Kavenden *alias* Peyna Sadayan, head kangany, deceased, dated April 27, 1932, be and the same is hereby declared proved, unless any person or persons interested shall, on or before February 21, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Peyna Sadayan Veeran is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before February 21, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Adderagoda Gamage Simon Appuhamy No. 172. of Dikoya, deceased.

THIS matter coming on for disposal before R. Aluwihare, Esq., District Judge of Nuwara Eliya-Hatton, on February 7, 1933, in the presence of Messrs. Modder & La'Brooy, Proctors on the part of the petitioner, Adderagoda Gamage Appu Singh Appuhamy of Dikoya; and the affidavit of the said petitioner dated January 20, 1933, having been read:

It is ordered that the said petitioner, as a brother of the said deceased, be and he is hereby declared entitled to have letters of administration to the estate of the above-named deceased issued to him accordingly, unless any person or persons interested shall, on or before February 21, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1933.

R. ALUWIHARE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Amirtham, widow of Yoganather of No. 8,191. Colombogam, deceased.

Aiyathurai Ponnusamy of Colombogam Petitioner.

Vs.

(1) Yoganather Thirunayukarasu, (2) Yoganather Balasanthiran, (3) Yoganambal, daughter of Yoganather, (4) Kanagaretham Thirunavukkarasu, all of ditto Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on September 8, 1932, in the presence of Mr. K. Somasunderam, Proctor, for petitioner; and the affidavit and petition of petitioner having been read:

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* over the minors, the 1st, 2nd, and 3rd respondents, unless the respondents shall, on or before December 7, 1932, show sufficient cause to the satisfaction of the court to the contrary.

October 12, 1932.

D. H. BALFOUR,
District Judge.

Extended to February 24, 1933.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late No. 8,103. Sinnappillai, wife of Murugesu Sittampalam of Vannarponnai west, deceased.

Murugesu Sittampalam of Vannarponnai West. Petitioner.

Vs.

(1) Kanagammah, daughter of Sinnathamby Vaitilingam, (2) Ratnammah, daughter of Sinnathamby Vaitilingam, (3) Sittampalam Chelliah, and (4) Vairavil Ponnul all of Sitto; the 1st, 2nd, and 3rd respondents are minors by their guardian *ad litem* the 4th respondent. Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on August 19, 1932, in the presence of Mr. S. Patanjali, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the petitioner be declared entitled to have letters of administration to the estate of the said intestate, as her lawful husband, unless the 4th respondent shall appear before this court on September 23, 1932, and state objection or show cause to the contrary.

August 25, 1932.

D. H. BALFOUR,
District Judge.

Extended till February 20, 1933.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Suppar Kanthappasekaram of No. 8,161. Puloly East, deceased.

Parupathipillai, widow of Suppar Kanthappasekaram of Puloly East Petitioner.

Vs.

(1) Kamalambikai, daughter of Kanthappasekaram, (2) Rasamma, daughter of Kanthappasekaram, (3) Kanthappasekaram Balasubramaniam, (4) Chinnappillai, widow of Vinasithamby, all of Puloly East; the 1st, 2nd, and 3rd respondents are minors, by their guardian *ad litem* the 4th respondent. Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, on August 1, 1932, in the presence of Mr. K. Muttukumaru, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read:

It is ordered that the petitioner be declared entitled to take out letters of administration and that letters of administration be issued to her accordingly, unless the respondents or any other person shall appear before this court and show sufficient cause to the satisfaction of this court to the contrary on or before January 23, 1933.

December 23, 1932.

D. H. BALFOUR,
District Judge.

The above Order Nisi is extended till February 27, 1933.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Mohideen Meera Nachchia of Alancuda, deceased.

Cader Saibu Marikar Mohamedo Asenkudhoos Marikar of Alancuda Petitioner.

And

(1) K. P. S. Segu Sicander of Alancuda for himself and as guardian *ad litem* over the minor children, (2) Mohamedo Haniffa Marikar *alias* Sellathamby Marikar aged 13, (3) Mohamedo Ibrahim Neina Marikar aged 10, (4) Segu Meera Nachchia aged 6, all of Alancuda Respondents.

THIS matter coming on for disposal before K. Alwapillai, Esq., Acting Additional District Judge of Puttalam, on July 12, 1932, in the presence of Mr. W. S. Strong, Proctor, on the part of the petitioner; and the petitioner's affidavit and the petition dated July 11 and 12, 1932, respectively, having been duly read:

It is ordered that the 1st respondent be appointed guardian *ad litem* over the 2nd, 3rd, and 4th respondents, minors, and that the petitioner is hereby appointed administrator of the estate above named, and the letters of administration to the said estate be issued to him accordingly, unless the respondent above named or anyone else interested on their behalf shall, on or before July 27, 1932, at 10 o'clock, show sufficient cause to the satisfaction of this court to the contrary.

July 12, 1932.

A. R. HALLOCK,
Additional District Judge.

Extended and re-issued; returnable February 21, 1933.

February 14, 1933.

A. R. HALLOCK,
Additional District Judge.