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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 ORDINANCES.

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

No. 3 of 1942.

L. D.—O 45/41 M. L. A.—B 1775a

1941
Supplement,
Vol. II., p. 780.

**An Ordinance to amend the Urban Councils Ordinance,
No. 61 of 1939.**

A. CALDECOTT.

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

Short title

1. This Ordinance may be cited as the Urban Councils (Amendment) Ordinance, No. 3 of 1942.

Amendment of
section 2 of
Ordinance
No. 61 of 1939.

2. Section 2 of the Urban Councils Ordinance, No. 61 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) by the addition, at the end of that sub-section, of the following :—

"The Governor may, by the same or any subsequent Proclamation, assign a name and designation to the Urban Council to be constituted under this Ordinance for the town so declared."

Amendment of
section 10 of
the principal
Ordinance.

3. Section 10 of the principal Ordinance is hereby amended in sub-section (3) as follows :—

(1) by the substitution, for paragraph (a) of that sub-section, of the following new paragraph :—

"(a) in the case of a general election, be a date between the first day and the fifteenth day of November; and";

(2) by the omission of paragraph (b) of that sub-section; and

(3) by the re-lettering of paragraph (c) of that sub-section as paragraph (b).

Amendment of
section 13 of
the principal
Ordinance.

4. Section 13 of the principal Ordinance is hereby amended by the substitution, for all the words from "come into office," to the end of the section, of the words "come into office."

Amendment of
section 15 of
the principal
Ordinance.

5. Section 15 of the principal Ordinance is hereby amended as follows :—

(1) by the substitution, for the words "At any time after the date or dates appointed for the completion", of the words "Upon the completion"; and

(2) by the omission therefrom of the words "assign to such Council a name and designation and".

Passed in Council the Thirteenth day of February, One thousand Nine hundred and Forty-two.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the twentieth day of February, One thousand Nine hundred and Forty-two.

E. R. SUDBURY,
Secretary to the Governor.

DRAFT ORDINANCES.**MINUTE.**

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

L. D.—O 35/40

Cap. 207.
Vol. V.,
p. 550.

An Ordinance to amend the Public Service Mutual Provident Association Ordinance and to declare the extent and scope of the powers to make rules conferred by section sixteen of that Ordinance.

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

Short title

1. This Ordinance may be cited as the Public Service Mutual Provident Association (Amendment) Ordinance, No. of 1942.

Amendment of
section 3 of
Chapter 207.

2. Section 3 of the Public Service Mutual Provident Association Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the substitution, for the words "widows and orphans", of the words "widows and legitimate children".

3. For the removal of doubts, it is hereby declared that the powers conferred on the corporation by section 16 of the principal Ordinance to make rules at any general meeting of the members thereof for the management of the affairs of the corporation and the accomplishment of its objects include, and shall from the commencement of the principal Ordinance be deemed to have included, the power to make rules containing provision to the effect that, upon the death of any such member, the benefits accruing to his legitimate children may be paid only to such of them as he may nominate, or be apportioned among all or any of them in such shares as he may specify.

Declaration of construction of powers conferred by section 16 of the principal Ordinance.

4. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Saving of rights of the Crown.

Objects and Reasons.

The object of this Bill is to amend section 3 of the Public Service Mutual Provident Association Ordinance (Chapter 207) by substituting the words "legitimate children" for the word "orphans". The object of this amendment is to make it clear that the children of a deceased member are entitled to participate in the benefits provided under the Ordinance simultaneously with their mother.

It has been contended that the word "orphan" means a child, both of whose parents are dead, though it would appear that, in law, the correct definition of an orphan is a child "deprived by death of father or mother, or both".

2. The object of Clause 3 of the Bill is to remove doubts which have arisen in regard to the interpretation of the powers conferred by section 16 of the principal Ordinance. Rules have been made by the corporation enabling a member to exclude some of his children from participation in the benefits payable on his death and to distribute such benefits in such manner as the member may desire. Clause 3 declares that rules containing such provision are *intra vires* of the enabling powers and shall be deemed to have been lawful from the time of the commencement of the principal Ordinance.

GEO. A. WILLE,
Mover of the Bill.

February 23, 1942.

MINUTE.

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

L. D.—O 16/37

An Ordinance to amend the Ordinance intituled "An Ordinance to declare and define certain powers, privileges and immunities of the State Council and of its members; to secure freedom of speech in the State Council; to regulate admittance to the State Council Chamber; to give protection to persons employed in the publication of the reports and other papers of the State Council; and for purposes incidental to or connected with the matters aforesaid."

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 State Council Powers and Privileges (Amendment) Ordinance, No. of 1941.

Short title.

2. In the event of the Bill intituled "An Ordinance to declare and define certain powers, privileges and immunities of the State Council and of its members; to secure freedom of speech in the State Council; to regulate admittance to the State Council Chamber; to give protection to persons employed in the publication of the reports and other papers of the State Council; and for purposes incidental to or connected with the matters aforesaid." taking effect as an Ordinance upon the signification of His Majesty's assent thereto by

Amendment of the State Council Powers and Privileges Bill in the event of that Bill becoming law.

Proclamation published in the *Government Gazette*, that Ordinance shall, with effect from the date of the publication of such Proclamation, be amended as follows :—

- (1) by the repeal of section 4 and the substitution therefor of the following new section :—

Power to order the attendance of witnesses.

4. The Council or any standing committee may, subject to the provisions of sections 9 and 31, order any person to attend before the Council or before such committee and to produce any paper, book, record or document in the possession or under the control of such person.

The powers conferred by the preceding provisions of this section on a standing committee may be exercised by any other committee which is specially authorised by a resolution of the Council to exercise such powers in respect of any matter or question specified in the resolution.

- (2) In section 9—

- (a) by the substitution for the marginal note of that section of the following new marginal note :—

“Evidence before the Council or a committee.”;

- (b) by the re-numbering of that section as section 9 (1);

- (c) by the addition to that section of the following new sub-section :—

“(2) Except with the consent of the Governor, no public officer shall—

- (a) produce before the Council or a committee any such paper, book, record or document, or

- (b) give before the Council or a committee evidence on any such matter,

as relates to or is connected with the exercise by the Governor or by any public officer of any power or authority conferred or delegated by or under the provisions of Article 86 of the Order in Council; nor shall secondary evidence be received by or produced before the Council or a committee of the contents of any such paper, book, record or document.

In this sub-section “secondary evidence” has the same meaning as in the Evidence Ordinance.”;

Cap. 11.

- (3) by the repeal of section 29 ;

- (4) by the re-numbering of sections 30 and 31 as sections 29 and 30, respectively ;

- (5) in re-numbered section 29, by the substitution, for the words “Council Chamber”, of the words “Council Chamber while the Council is sitting.”;

- (6) by the insertion, immediately after re-numbered section 30, of the following new section :—

31. Where at any time any question arises in the Council or in a committee in regard to—

- (a) the right or power of the Council or a committee to hear, admit or receive oral evidence ; or

- (b) the right or power of the Council or a committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document or to lay such paper, book, record or document before the Council or committee ; or

- (c) the right or privilege of any person (including a member of the Council or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before the Council or committee,

that question shall, subject to the preceding provisions of this Ordinance, and except in so far as express provision is made in those provisions for the determination of that question, be determined in accordance with the usage and practice of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland.

and

- (7) in section 32 (1), by the substitution for the definition of “committee” of the following :—

“ “committee” means any Executive, standing, select or other committee of the Council ;

Questions relating to evidence and production of documents before the Council or a committee to be determined in accordance with usage of Parliament.

and in sections 5 to 11 and section 16 means a standing committee or any other committee duly authorised by a resolution of the Council under section 4 ;'.

Objects and Reasons.

Article 73 of the Ceylon (State Council) Order in Council, 1931, which authorises the enactment of a law defining the privileges, immunities and powers to be held, enjoyed and exercised by the Council and the members thereof provides that "no such privileges, immunities and powers shall exceed those for the time being held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or the members thereof".

2. The State Council Powers and Privileges Bill was transmitted to the Secretary of State as it had been reserved for the signification of His Majesty's pleasure by His Excellency the Governor. The Secretary of State referred the Bill to the appropriate authorities of the House of Commons, for advice as to whether any of the provisions of the Bill conferred on the State Council powers or privileges in excess of those enjoyed and exercised by the House of Commons.

3. The Secretary of State was advised that the Bill did not create powers or privileges in excess of those enjoyed by the House of Commons except in regard to the following matters :—

- (a) the inclusion of reference to the Board of Ministers in the definition of "committee" in Clause 32 of the Bill;
- (b) the provision in Clause 30 of the Bill that civil process may not at any time be served or executed within the Council Chamber though, in the House of Commons, such process cannot be served or executed only when the House is sitting.

4. The principal object of this Bill is to amend the original Bill in respect of the matters referred to in paragraph 3.

5. Clause 2 (7) of this amending Bill accordingly deletes from the definition of "committee" the reference to the "Board of Ministers"; and Clause 2 (5) amends Clause 30 of the original Bill by the insertion of provision which will make it clear that there will be immunity from the service or execution of civil process only at the time the Council is sitting.

6. The Bill also deals with other matters which have been the subject of discussion with the Secretary of State. It has been pointed out that the provision in Clause 29 of the original Bill which enables the Speaker to function after a dissolution of the Council is in conflict with the principle of Article 30 (3) of the Order in Council. In view of the fact that the only purpose for which Clause 29 of the original Bill could be invoked during a dissolution would be in order that a certificate might be issued by the Speaker under Clause 10, it has been decided that there is no imperative necessity for the retention of Clause 29 which is accordingly repealed by Clause 2 (3) of the amending Bill.

7. In connexion with the consideration of the proposal to amend the definition of "committee" so as to exclude reference to the Board of Ministers, attention was drawn to the provisions of Clause 4 of the original Bill. It is considered that Standing Committees of the State Council should be directly authorised by law to hear and receive evidence and a special resolution of the Council should be necessary only for *ad hoc* authorisations of select and other committees. The necessary amendment will be made by Clause 2 (1) of the amending Bill.

8. Clause 2 (2) of the amending Bill will add to Clause 9 of the original Bill provision precluding public officers, except with the consent of the Governor, from giving evidence before the Council or a committee on matters connected with the control of the public service and the exercise of other powers vested in the Governor by Article 86 of the Order in Council.

9. The object of Clause 2 (6) of the amending Bill is to add to the original Bill a new clause which will secure that all questions relating to evidence and the production of documents before the Council or a committee will be determined in accordance with the usage of the House of Commons so as to avoid the possibility of argument that, in respect of such matters, the provisions of the original Bill may be construed as conferring wider powers than those authorised to be taken by Article 73 of the Order in Council.

D. B. JAYATILAKA,
Leader of the State Council.

Colombo, February 24, 1942.

MINUTE.

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

L. D.—O 53/41

An Ordinance to exempt from export duties tea exported as gifts for the use of the forces of His Majesty or of any Allied Power.

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

- | | |
|---|--|
| Short title. | 1. This Ordinance may be cited as the Tea Duties (Exemption of War Gifts) Ordinance, No. of 1942. |
| Exemption from export duties of tea gifted for the use of the forces of His Majesty or of any Allied Power. | 2. During the period commencing on the twenty-eighth day of August, 1941, and ending on such date as the Governor may appoint by Proclamation published in the <i>Gazette</i> , the first two hundred thousand pounds of tea exported from Ceylon in any year as gifts for the use of any of the naval, military or air forces of His Majesty or of any foreign power for the time being allied with His Majesty shall be exempt from the export duty leviable and payable under each of the provisions of written law specified in the Schedule hereto ; and where such duty has been paid on any of the goods hereinbefore exempted, the amount of such duty shall be repaid, to the person who made such payment, out of the general revenue or such other fund to which such amount may have been credited under any of the aforesaid provisions of written law. |
| Interpretation. | 3. In this Ordinance "year" means, in relation to tea exported from Ceylon during the year 1941, the period commencing on the twenty-eighth day of August, and ending on the thirty-first day of December of that year and, in relation to tea exported from Ceylon during any other year, the period of twelve months ending on the thirty-first day of December in such year. |

Schedule

Section 8 of the Tea Propaganda Ordinance (Chapter 130).
 Section 28 of the Medical Wants Ordinance (Chapter 176).
 Section 9 of the Customs Ordinance (Chapter 185).
 Section 36 of the Tea Control Ordinance (Chapter 299).
 Section 11 of the Tea Research Ordinance (Chapter 301) read with section 3 of the Tea Cess (Temporary Increase) Ordinance, No. 12 of 1930.

Objects and Reasons.

Duties on tea exported from Ceylon are payable under section 8 of the Tea Propaganda Ordinance (Chapter 130), section 28 of the Medical Wants Ordinance (Chapter 176), section 9 of the Customs Ordinance (Chapter 185), section 36 of the Tea Control Ordinance (Chapter 299), and section 11 of the Tea Research Ordinance (Chapter 301) read with section 3 of the Tea Cess (Temporary Increase) Ordinance, No. 12 of 1930.

2. The object of this Bill is to exempt from such duties, during the continuance of the war, the first two hundred thousand pounds of tea exported in each year as gifts for the use of any of the forces of His Majesty or of any Allied Power. Where such duties have already been paid, the amount so paid will be refunded.

As gifts of tea for the British and Allied Forces have been exported since August 28, 1941, it is proposed to give the Bill retrospective effect from that date.

Financial Secretary's Office,
Colombo, February 26, 1942.

H. J. HUXHAM,
Financial Secretary.

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 Districts of Ratnapura and Avissawella, will be holden at the Court-house at Colombo, on Friday, March 20, 1942, 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 23, 1942.

R. M. DAVIES,
Fiscal

March 20, 1942, for the consideration of the grant of a certificate of conformity to the above-named insolvent.

February 13, 1942. By order of court, C. EMMANUEL,
Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency In the matter of the Insolvency of Eric Constant Misso
No. 5,616. of 118, High Street, Wellawatta, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at a sitting of this court on

In the District Court of Colombo.

No. 5,642. In the matter of the Insolvency of Nanayakkara
Insolvency. Warnekula Patapendige Edmund Perera of
157, Dematagoda Road, Maradana.

WHEREAS N. W. P. Edmund Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Bandaranayake Mudiyanse Mudiyanse Yodgama of Gonawala, Kelaniya, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said N. W. P. Edmund Perera insolvent accordingly ; and that two public sittings of the court, to wit, on March 27, 1942, and on May 8, 1942, will

take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

February 23, 1942.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,643. In the matter of the insolvency of Damodaran Pounna insolvent. of 11, 11th lane, Kotahena, Colombo.

WHEREAS D. Pounna has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by N. Manuel Fernando of Globe House, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. Pounna insolvent accordingly; and that two public sittings of the court, to wit, on March 27, 1942, and on May 8, 1942, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

February 24, 1942.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Galle.

No. 724. In the matter of the insolvency of Wilmot Ferdnandis Abeywickrema of Ahangama.

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 24, 1942, to consider the issuing of a certificate of conformity to the said insolvent.

February 17, 1942.

By order of court, M. N. PETRIS,
Secretary.

sum of Rs. 2,660 75 and further damages at the rate of Rs. 127 50 a month from November 1, 1939, till the plaintiff society is restored to possession and costs of suit, less a sum of Rs. 2,376, viz:—

One glass almirah containing assorted Sinhalese books, 1 ditto small almirah, 1 glass almirah with one lot of account books, one small glass almirah with one lot of Sinhalese books, 1 glass almirah with one lot of leather bound books and Sinhalese books, 1 show case with Sinhalese books, 1 glass almirah with old Sinhalese books, 1 show case with sundry goods, 1 glass almirah with one lot assorted books, 4 show cases with sundry goods, 3 writing tables, 1 cupboard, 4 chairs, 1 rack, 1 bench, 12 bottles ink, 1 glass box with copy books, 3 stationery racks, 1 small show case, 1 counter, 1 pencil show case, 1 lot sundries.

Fiscal's Office,
Colombo, February 24, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Kanapathy Palle Arumugan Palle of Ilukwatta in Medapalata of Yatinuwera Plaintiff.

No. M. B. 52. Vs.

(1) Abeysinghe Mudiranselege Dingiri Banda of Arambegama in Yatinuwera, (2) S. Viswasam of Delberry estate, Dikroya Defendants.

NOTICE is hereby given that on Saturday, March 21, 1942, commencing at 2 p.m., will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property mortgaged under bond No. 2,826 dated June 29, 1928, and attested by F. P. Senaratne, Notary Public, and declared bound and executable under the decree in the above case for the recovery of the sum of Rs. 3,000 with interest thereon at the rate of 9 per cent. per annum from December 19, 1938, till payment in full and the costs of this action and poundage, viz:—

1. An undivided one-half part or share of and in all that field called Gurupola Kumburemeda of one pella paddy sowing in extent, situate at Arambegama in Medapalata of Yatinuwera in the District of Kandy, Central Province, which said entire field is bounded on the east by below the ewura of Elpitigodawatta, south by Siyatu's field, west by Gurupolagederawatta, and north by below the field belonging to Gurupolagedera Kotmale Punchirale; registered in B 108/116.

2. An undivided one-fourth part or share of all those contiguous lands called Gurupolagederawatta and Daulkarayagewatta of one amunam paddy sowing in extent on the whole, situate at Arambegama aforesaid; the entirety being bounded on the east by above the ella of the field belonging to Gurupolagedera Siyatu, south by above the ella of Gurupolagederakumbura, west by above the ella of Pampela Pillewe and above Imbulhitiyawe Parabaddepara, and north by ditch, fence and this side of Aracillewatta together with a like share of the buildings and plantations thereon; registered in B 103/24.

3. An undivided one-half part or share of and in all that field called Gurupola of one nela paddy sowing in extent, situate at Arambegama aforesaid; and bounded on the east by Elpitigoda ella, south by Keerale's field, west by the ella of Kudarale Punchirale's garden, and north by Imaweilla; registered in B 75/218.

4. An undivided one-fourth part or share of and in all that land called Elpitigodawatta of two pelas paddy sowing on the whole, situate at Arambegama aforesaid; the entirety being bounded on the east by ditch of Dingiriya's garden, south by ditch of Siyatu's garden, west by Gurupola kumbura and north by the fence of Dambepolawatta, together with a like share of everything thereon; registered in B 104/226.

Valuation, Rs. 2,100.

Fiscal's Office,
Kandy, February 24, 1942.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kandy.

P. S. Fernando and Bros. 100, Colombo street, Kandy Plaintiffs.

D. C. Kandy M. R. 826. Vs.

Joris Tuppahige Babasingho of Kandapola, administrator of the estate of J. A. de Silva, deceased Defendant.

NOTICE is hereby given that on Tuesday, March 31, 1942, at 3 p.m. in the afternoon will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 814 50, with legal interest thereon from December 11, 1941, till payment in full and costs of suit and poundage, viz:—

All that allotment of land being part of all that land called Kandapolakelle at Kandapola Gravets division of the extent of 1 acre 2 roods and 13½ perches, depicted in plan dated September 18, 1915, made by Philip Fowke, Esq.; and bounded on the north and north-east by portion allotted to C. A. Hutson and now belonging to J. A. de Silva and hereinafter further described, north-west, by Crown reservation, west and south by land belonging to Goatfell estate, and south-east by Government Reserve Forest, together with everything thereon; and

2. All that allotment of land being a further part of that land called Kandapolakelle, situated at Kandapola aforesaid of the extent of 1 acre 2 roods and 13½ perches; and bounded as aforesaid; together with the buildings and plantations thereon.

Deputy Fiscal's Office,
Nuwara Eliya, February 24, 1942.

G. S. PETRIS,
Additional Deputy Fiscal.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) N. Muttupalaniappa Chettiar, (2) N. Annamalai Chettiar, (3) N. Thiagarajan Chettiar, and (4) P. L. Sockalingam Chettiar, all carrying on business in partnership under the name, style, and firm or vilasam of N. M. A. R. & P. L. S. at 129, Galle road, Bambalapitiya Plaintiffs.

No. 5,103/S.

Vs.

(1) Chandra Thanagha Coomaraswamy of 98, Havelock road, Colombo, presently of 53/28, Torrington avenue, in Colombo and another Defendants.

NOTICE is hereby given that on Monday, March 23, 1942, at 4 p.m., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 2,571 87, with interest on Rs. 2,500 at 15 per cent. per annum from September 26, 1941, to October 8, 1941, and thereafter at 9 per cent. per annum on the aggregate amount of the decree till payment in full and costs of suit, viz:—

The right, title, and interest of the 1st defendant (Chandra Thanagha Coomaraswamy) in and to the following property, to wit:—

All that allotment of land marked B2 in the plan thereof No. 3,461 hereinafter referred to (being a subdivided portion of lot B shown in plan No. 1,849 dated November 24, 1926, made by C. C. Wijetunga, Licensed Surveyor, of the land called Richewatta), together with the buildings standing thereon formerly bearing assessment No. 20/4, 87th lane, Havelock road, presently bearing assessment No. 2, Police Park place, situated at Bambalapitiya, within the Municipality and District of Colombo, Western Province, the said divided portion or lot marked B2; is bounded on the north by a portion of lot marked A in the plan now bearing assessment No. 4, on the east by the property formerly of Gabriel Fernando, now known as The Emms bearing assessment No. 50, presently No. 98 (Havelock road) of Dr. John Rockwood, on the south by lot marked B1 on the plan of Girija Muthamma Charawanamutti now bearing assessment No. 20, Police Park avenue, and on the west by lot C being a reservation for a road twenty feet wide now called Police Park place; containing in extent 1 rood and 10 57/100 perches according to the survey plan thereof No. 3,461 dated February 19, 1931, made by H. G. Dias, Licensed Surveyor, and which said divided portion or lot marked B2 is registered in the Colombo Land Registry A218/279.

Fiscal's Office,
Colombo, February 25, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Colombo.

The Colombo Buddhist Theosophical Society, Limited, of Buddhist Headquarters, Norris road, Colombo Plaintiffs.

No. 11,310/M.

Vs.

B. L. G. Dharmasena of 205, Norris road, Pettah, Colombo Defendant.

NOTICE is hereby given that on Friday, March 20, 1942, at 2 p.m., will be sold by public auction at 205, Norris road, Pettah, Colombo, the following movable property for the recovery of the

In the District Court of Kandy.

Jayasuriya Arachchige Elshahmy, the administrator of the estate of W. K. Appusimno of Dambulla, deceased . . . Plaintiff.

No. M. R. 484. Vs.

Manawaduge Arthur de Silva, the administrator of the estate of Manawaduge Amaras de Silva of Matale, deceased . . . Defendant.

NOTICE is hereby given that on Saturday, March 21, 1942, 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 property for the recovery of the sum of Rs. 1,260, together with further interest on Rs. 1,000 at the rate of 12 per cent. per annum from February 1, 1940, till January 30, 1941, and thereafter legal interest on the aggregate amount till payment in full and costs Rs. 133.45, viz. :—

All that allotment of land with the buildings standing thereon in extent 24 feet in breadth and 163 feet in length bearing assessment Nos. 227 and 228, presently Nos. 226 and 227, and bounded on the east by the garden of Simon Appu, renter, south by the land and house of Simon Appu, renter, west by the high road, and on the north by the boutique and garden belonging to Carolis Silva, situated at Trincomalee street in Kohonsiya pattu of Matale South within the Urban Council limits of Matale town in the District of Matale, Central Province; and registered in A 15/41 at the Matale Land Registry.

Valuation of the land Rs. 3,500.

Deputy Fiscal's Office,
Matale, February 20, 1942.

HAROLD MELDER,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Arthur Wijesekera of Kapuhonpola in Akmeemana Plaintiff
No. 33,101. Vs.

Manampenkorallalage Don Adonchi de Silva of Wewala in Hikkaduwa and another . . . Defendants.

NOTICE is hereby given that on Wednesday, March 25, 1942, at 2.30 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 for the recovery of the sum of Rs. 75 per year from May 21, 1932, up to date of restoration in March 18, 1936, and costs Rs. 425.97 and writ costs Rs. 41.99, less Rs. 66.81 + Rs. 9.26 recovered, viz. :—

All that undivided $\frac{1}{2}$ of $\frac{1}{18}$ part of soil and soil share trees together with the entirety of the white washed tiled house, closet, and well and the undivided planter's share of 19 coconut trees, 3 breadfruit trees about 15 to 20 years, and 2 jak trees of about 30 years of the land called Hottuchchuwatta, situated at Wewala in Hikkaduwa in the Wellaboda pattu of Galle District, Southern Province; and bounded on the north by Kankangewatta, east by Kahatagahawatta alias Lokuappuge Idama alias Malapalawatta alias Kaluwagahawatta, south by Malapalawatta and Gandaragawatta, and west by Nagahawatta and Atukoralawela alias Pathawela; and containing in extent 4 acres and 17.5 perches.

Fiscal's Office,
Galle, February 24, 1942.

W. P. DALUWATTE,
Deputy Fiscal.

In the District Court of Matara.

Don Hendrick Sounnara of Matara Plaintiff.
No. 11,833. Vs.

Edwin Athelston Wijesinghe of Matara . . . Defendant.

NOTICE is hereby given that on Saturday March 21, 1942, commencing at 11 o'clock in the forenoon, will be sold by public auction at Godakoggalla the right, title, and interest of the said defendant in the following property for the recovery of Rs. 6,546.32, with legal interest on Rs. 5,350.45 from December 2, 1941, till payment in full, and postage, viz. :—

1. All that undivided $\frac{1}{2}$ share of the lots B, C, D, and E of the land called Godakoggalla situated at Godakoggalla village in Magam pattu of the Hambantota District, Southern Province (excluding the buildings and plantations on 30 acres from lot B made and planted by the plaintiff and occupied by him.)

The lots B, C, and D form one land bounded on the north by Habaratawala village (F. V. P. No. 562), east by Walakoggalla village and F. V. P. No. 563, south by Punchihenayagama and Mulana, west by Punchihenayagama and lot A of Godakoggalla; containing in extent 473 acres and 17 perches.

Lot E is bounded as follows:—On the north by land in B. S. P. P. No. 523 Ridliyagama and lot A of Godakoggalla, east by lot A of Godakoggalla and Punchihenayagama, south by Punchihenayagama and Walawe river, west by Walawe river; containing in extent 1,071 acres and 1 rood.

2. An undivided 50 acres from lot B of the land called Godakoggalla, situated at Godakoggalla village aforesaid; and bounded on the north by lot C of the same land, east by Mulana, south by Punchihenayagama B. S. P. No. 565 and Mulana, west by Shangama Punchihenayagama, B. S. P. No. 565; containing in extent 150 acres 1 rood and 10 perches.

3. An undivided 10 acres from lot C of the land called Godakoggalla, situated at Godakoggalla village aforesaid; and bounded on the north by lot D and lot A of Godakoggalla, east by Walakoggalla village F. V. P. No. 563, south by lot B of the same land and Mulana, west by Shangama and lot A of Godakoggalla; containing in extent 213 acres 2 roods and 27 perches.

4. An undivided $\frac{1}{8}$ of lots C and D of Godakoggalla, situated at Godakoggalla village aforesaid; and bounded on the north by Habaratawala village F. V. P. 562 and lot A of Godakoggalla, east by Walakoggalla village F. V. P. 563, south by lot B and Mulana, west by Punchihenayagama B. S. P. P. 565, Shangama and lot A of Godakoggalla; containing in extent 322 acres 3 roods and 7 perches.

Deputy Fiscal's Office,
Hambantota, February 21, 1942.

H. C. GOONEWARDENE,
Additional Deputy Fiscal.

In the District Court of Matara.

M. K. M. P. R. Ramanathan Chettiar of Matara . . . Plaintiff.
No. 13,914. Vs.

(1) Wilham Gumaratna of Dammulla, (2) T. W. Athiris de Silva of Kahawatta . . . Defendants.

NOTICE is hereby given that on Thursday, March 26, 1942, commencing at 3 o'clock 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 for the recovery of Rs. 335.87, with legal interest on Rs. 271.52 from September 2, 1941, till payment in full and costs, viz. :—

(1) All that undivided $\frac{3}{4}$ part of the soil and trees of the land called Kapuralagewala, situated at Bedigama in West Giruwa pattu of the Hambantota District; and bounded on the north by Crown land called Kongahahena, east by reservation along the road, south by Liyangasaragawahena and Dangashena (Crown land), and west by Crown land called Hikkahahena; containing in extent 6 acres 2 roods and 28 perches.

(2) All that undivided $\frac{3}{4}$ shares of the soil and trees of the land called Dangaha alias Kongaha alias Siyangasarehena, situated at Bedigama aforesaid; and bounded on the north by Crown land and T. P. 164,781, 201,300, 201,289, 201,301 and 201,290, east by reservation along the road, south by Crown land, and west by Crown land and T. P. 181,073; containing in extent 30 acres and 20 perches.

Deputy Fiscal's Office,
Tangalla, February 21, 1942.

V. ALLIRAJAH,
Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Colombo.

Pothagurupillai, son of Pothasampillai of 245, Sea street, Colombo . . . Plaintiff.

No. 6,725/M. Vs.

(1) Warnage Johannes de Fonseka of 58, Norris road, Colombo, and others . . . Defendants.

NOTICE is hereby given that on Saturday, March 21, 1942, at 9 o'clock in the forenoon, will be sold by public auction at the respective premises the following properties mortgaged by the 1st defendant with the plaintiff and declared bound and executable for the decree entered in the above case and ordered to be sold by the order to sell dated November 19/20, 1941, for the recovery of a sum of Rs. 4,000, with interest thereon at the rate of 9 per cent. per annum from May 27, 1933, till date of payment in full and costs, viz. :—

1. All that allotment of land called Gonarallagonnegollehena alias Gonarallageunagollehena, situated at Etnawala in Keeraweli pattu west of Belgalorale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by lots 337 and 338 in P. P. 115, east by a water-course and lots 352 and 351 in P. P. 115, south by lot 363 in P. P. 115, and west by lot 362 in P. P. 115, containing in extent 6 acres 3 roods and 35 perches according to plan thereof bearing No. 287,500 dated January 25, 1913, and authenticated by R. S. Templeton, Surveyor-General, together with all and singular the buildings, plantations, and trees thereon, and all the right, title and interest, claim and demand of the 1st and 2nd defendants in and to the said premises.

2. All that undivided $\frac{1}{2}$ share of the land called Unnagollehena, situated at Etnawala aforesaid; bounded on the north by lot in P. P. 115, east by lots 350 and 362 in P. P. 115, south by lot 362 in P. P. 115, and west by lots 362 and 336 in P. P. 115; containing in extent 4 acres 1 rood and 31 perches, together with the plantations and trees thereon, and together with all the right, title, interest, claim and demand of the said 1st and 2nd defendants in and to the said premises.

Valuation : Rs. 3,000.

Deputy Fiscal's Office,
Kegalla, February 20, 1942.

M. D. J. DISSANAYAKE,
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 Wickremage Babbe Singho of Madoluwawa, in Padukka, deceased.
No. 9,838.

Katiri Atchige Manay Nona of Madoluwawa in Padukka. Petitioner.

(1) Wickremage Nona Singho, (2) ditto Kumatheris Singho, (3) ditto Piyasasa, (4) ditto Hemapala, minors appearing by their guardian ad litem (5) Wickremage Samoris of Madoluwawa in Padukka . . . Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on October 9, 1941, in the presence of Mr. H. E. Wijetunge, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated September 2, 1941, having been read:

It is ordered that the 5th respondent above named be and he is hereby appointed guardian ad litem of the minors, the 1st, 2nd, 3rd, and 4th respondents, to represent them for all the purposes of this action and that the petitioner be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the above estate issued to her accordingly, unless the respondents

In the District Court of Kalutara.

Order Nisi declaring Will proved

Testamentary Jurisdiction. No. 3,020. In the Matter of the Estate of the late Rosaline Perera Jayawoera, deceased, of Kuda Hoematiangala. Petitioner.

- (1) Muhandramago Danawathne de Alwis Samaradiwakara Jayasundera, (2) ditto Kumudawathi de Alwis Samaradiwakara Jayasundera, (3) ditto Soota de Alwis Samaradiwakara Jayasundera, (4) Muhandramago Don Polaris de Alwis Samaradiwakara Jayasundera of Ittapanana Respondents.

THIS matter came on for disposal before V. Joseph, Esq. District Judge, Kalutara, on January 19, 1942, in the presence of Messrs. Wijemuno & Cooray, Proctors, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated January 12, 1942, having been read.

It is ordered that the petitioner above named be and he is hereby declared entitled, as husband of the deceased above named, to have letters of administration issued to him, unless the respondents or any other person interested in the estate shall, on or before February 18, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 1st respondent be and he is hereby appointed guardian ad litem over the said 1st to 3rd respondents, who are minors, for all the purposes of this action, unless respondents or others interested in the estate shall, on or before February 18, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 19, 1942. V. JOSEPH, District Judge. Date for showing cause extended for March 18, 1942.

February 18, 1942. V. JOSEPH, District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. No. T 261. In the Matter of the Last Will and Testament of Seena Narayanan Pullu of Meegammana in Pallogampula of Pata Dumbana, deceased.

Arambowattegedera Samarasingha Adikaram Mudiyanalogo Samarasekera alias Annamala Pullu of Meegammana aforesaid Petitioner

- (1) Arambowattegedera Samarasingha Adikaram Mudiyanalogo Bisso Melika alias Kayari Amma, (2) ditto Loku Banda alias Volu Pillai, (3) Palagatchi, (4) Kamatchi, (5) Coomarasamy, (6) V. V. Suba, all of Meegammana aforesaid Respondents

THIS matter coming on for disposal before Chelappa Nagalingam, Esq., District Judge, Kandy, on January 7, 1942, in the presence of Mr. P. B. Ranaraja, Proctor, Supreme Court, Kandy, on the part of the petitioner, Arambowattegedera Samarasingha Adikaram Mudiyanalogo Samarasekera alias Annamala Pullu of Meegammana, and the affidavits of the said petitioner dated December 23, 1941, and of the attesting witnesses dated December 23, 1941, having been read.

It is ordered that the last will of the above-named deceased dated September 16, 1940, and now deposited in this court, be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before February 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner 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 said respondents or any other person or persons interested shall, on or before the said date, show sufficient cause to the satisfaction of this court to the contrary.

January 7, 1942 C. NAGALINGAM, District Judge. The date for showing cause has been extended to March 12, 1942

C. NAGALINGAM, District Judge.

In the District Court of Jaffna (held at Point Pedro).

Order Nisi.

Testamentary Jurisdiction. No. 169/P. T. In the Matter of the Intestate Estate of the late Leetha Sethupillai, wife of Kathiresar Jeremiah Nagamuttu of Varany Idaikurchy, deceased.

Kathiresar Jeremiah Nagamuttu of Varany Idaikurchy Petitioner

- (1) Nagamuttu Samuel Ratnasingham of ditto, (2) Nagamuttu Richard Ratnasingham of ditto, (3) Lily Rasammah, daughter of Nagamuttu of ditto, (4) Boso Seevampalay, daughter of Nagamuttu of ditto, (5) Appacuddy Theivar of Nagarkoil Respondents.

THIS matter of the petition of the petitioner praying for letters of administration to the estate of the above-named deceased, Leetha Sethupillai, wife of Kathiresar Jeremiah Nagamuttu of Varany Idaikurchy, coming on for disposal before L. W. de Silva, Esq., Additional District Judge, on November 8, 1941, in the presence of Mr. C. Thanabalasingham, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read. It is ordered that the 5th respondent be appointed guardian ad litem over the minors, the 1st to 4th respondents above named, and that the petitioner be declared entitled to take out

letters of administration, as the husband of the said deceased, and that letters of administration be accordingly issued to the petitioner, unless the respondents or any other person shall, on or before January 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

L. W. DE SILVA, Additional District Judge

Extended for March 5, 1942.

January 8, 1942.

N. PONNAH, A. D. J.

In the District Court of Kegalla

Order Nisi.

Testamentary Jurisdiction. No. 1,646. In the Matter of the Intestate Estate of Delugas-Kuawe Sallapandithayalage alias Badde Vidano. Petitioner.

Wijolathgedera Wihai Appu of Wettewa Respondents

- (1) Wijolathgedera Wihai Appu, (2) ditto Kiri Etana, (3) ditto Ran Etana, (4) Werawala Gale Gedera Punohamy of Wettewa Respondents.

THIS action coming on for disposal before R. R. Selvadurai, Esq., District Judge of Kegalla, on October 31, 1941, in the presence of Mr. R. V. Dedigama, Proctor, on the part of the petitioner, and the affidavit of the petitioner dated October 31, 1941, and the affidavit of the petitioner dated October 16, 1941, having been read.

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him and that the 1st respondent be and he is hereby appointed guardian ad litem of the 2nd and 3rd minor respondents, unless the respondents above named or any person or persons interested shall, on or before December 17, 1941, show sufficient cause to the satisfaction of this court to the contrary.

October 31, 1941. R. R. SELVADURAI, District Judge.

The above Order Nisi is extended for March 4, 1942.

January 28, 1942. R. R. SELVADURAI, District Judge.

In the District Court of Kegalla.

Order Nisi.

No. 1,648. In the Matter of the Intestate Estate of Weerasekera Mudiyanalage Ukku Banda of Waduwadaniya, deceased.

Weerasekera Mudiyanalage Karu Banda Weerasekera of Waduwadaniya Petitioner

- (1) Dahanekarunge Ran Monka, (2) Weerasekera Mudiyanalage Punchi Mahatmaya, (3) ditto Bishmenika, (4) ditto Dingiri Amma, (5) ditto Poda Mahatmaya, (6) ditto Dingiri Banda Weerasekera, (7) ditto Dahanapala Weerasekera, all of Waduwadaniya Respondents

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge of Kegalla, on December 8, 1941, in the presence of Mr. G. B. P. Aburupane, Proctor, on the part of the petitioner; and the petition of the petitioner dated December 8, 1941, and the affidavit dated November 20, 1941 having been read.

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the deceased, to have letters of administration to his estate issued to him, and that the 1st respondent be and she is hereby appointed guardian ad litem of the 4th to 7th minor respondents, unless the respondents above named or any other person interested shall, on or before January 28, 1942, show sufficient cause to the satisfaction of this court to the contrary.

December 8, 1941. R. R. SELVADURAI, District Judge

The above Order Nisi is extended for March 4, 1942

January 28, 1942 R. R. SELVADURAI, District Judge.

In the District Court of Kegalla.

Order Nisi.

No. 1,649. In the Matter of the Intestate Estate of Imiyaralage Punchi Banda ex Aracci of Othuapitiya, deceased.

Imiyaralage Tikiri Banda of Lenagala Petitioner.

- (1) Imiyaralage Dingiri Banda, Village Headman of Othuapitiya, (2) ditto Ukku Banda of ditto, (3) ditto Herath Singho of ditto, (4) ditto Punchuralahamy, Village Headman of Menikkadage, (5) ditto Punchi Nilame of Nape, (6) ditto Hamy Mahathmeya of Lenagala, Respondents

THIS action coming on for disposal before R. R. Selvadurai, Esq., District Judge of Kegalla, on December 31, 1941, in the presence of Mr. R. V. Dedigama, Proctor, on the part of the petitioner dated December 31, 1941, and the affidavit of the petitioner dated December 20, 1941, having been read.

It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to the estate of the above-named deceased issued to him, unless any person or persons interested shall, on or before February 18, 1942, show sufficient cause to the satisfaction of this court to the contrary.

December 31, 1941. R. R. SELVADURAI, District Judge.

The above Order Nisi is extended to March 25, 1942.

R. R. SELVADURAI, District Judge.