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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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SUPREME COURT NOTICES.

The Ceylon (Non-Domiciled Parties) Divorce Rules, 1936.

IN pursuance of the provisions of Rule 2 (3) of the Ceylon (Non-Domiciled parties) Divorce Rules, 1936, it is hereby notified by order of the Chief Justice of the Supreme Court of the Island of Ceylon that the Lord Chancellor has approved the appointment of the Honourable Mr. Francis Joseph Soertsz, K C, Puisne Justice, as a Judge appointed to exercise jurisdiction under the Indian and Colonial Divorce Jurisdiction Act, 1926, and the Ceylon (Non-Domiciled parties) Divorce Rules, 1936, as applied to Ceylon by the Ceylon Divorce Jurisdiction Order in Council, 1936, to take the place of the Honourable Mr. John Harry Barclay Nihill, former Puisne Justice now Legal Secretary, *vide* notification in the *Government Gazette* No. 8,462 of May 19, 1939.

The Registry, Supreme Court, Colombo, October 30, 1942. C. STORK, Registrar of the Supreme Court.

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 district of Kurunegala will be holden at the Court-house at Kandy on Tuesday, December 1, 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, Kurunegala, October 30, 1942. N. E. ERNST, 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 Tuesday, December 1, 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, Anuradhapura, November 2, 1942. R. ALUWIHARE, 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 Tuesday, December 1, 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, November 2, 1942. R. M. DAVIES, Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

Destruction of Valueless Documents.

NOTICE is hereby given for the information of the General Public, in terms of section 5 of the Destruction of Valueless Ordinance (Chapter 336, Volume VI, of the Legislative Enactments of Ceylon) that the Criminal case records, petitions, inquest proceedings, &c., of this Court and of the description given below will be destroyed on February 1, 1943.

857—J. N. A 18578-801 (10/42)

Any person interested in any record should prefer his claim, showing good cause, personally, by proctor, or by duly authenticated petition, that such record be preserved.

Description of case records, &c.

A.—Criminal cases :—

1st series beginning with No. 1 to 20,660 covering the period from 1928 to 1936.

2nd Series beginning with No. 1 to 2,499 covering the period from 1936 to 1937.

B.—Petitions and Inquests proceedings received and Disposed of before December 31, 1937.

Magistrate's Court, Dandagamuva, October 26, 1942. PERCY A. SENARATNE, Magistrate.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,636. In the matter of the insolvency of Joseph Noel Insolvency. Jansly of 328A, Dutugemunu street, Nugegoda.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sittings of this court on November 13 for the examination of the above-named insolvent.

November 2, 1942. By order of court, C. EMMANUEL, Secretary.

In the District Court of Colombo.

No. 5,638. In the matter of the insolvency of Henry Lilinson de Silva of 14A, Pórra place, Kotahena.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sitting of this court on November 13 for the examination of the above-named insolvent.

November 2, 1942. By order of court, C. EMMANUEL, Secretary.

In the District Court of Colombo.

Insolvency In the matter of the insolvency of Imbulana Jansly of 14A, Pórra place, Kotahena. Insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the 2nd sitting of this court on November 20, 1942, for the examination of the insolvent above named.

November 3, 1942. By order of court, C. EMMANUEL, Secretary.

In the District Court of Nuwara Elyia holden at Hatton, Insolvency In the matter of the insolvency of S. V. S. K. Karup Case No. 44. insolvent.

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 December 1, 1942, to consider the grant of a certificate of conformity to the above-named insolvent.

October 28, 1942. By order of court, S. K. SADASHIVAM, Secretary.

In the District Court of Nuwara Eliya
 Insolventcy In the matter of the insolvent estate of Alim Khan
 No. 32. Bhai of Kudawa, Labukelle, Hamboda

WHEREAS Alim Khan Bhai of Kudawa, Labukelle, Hamboda, has filed a declaration of insolventcy, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that the public creditors of the court, to wit, on November 18, 1942, shall take place for the insolvent to surrender and conform to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, which creditors are hereby required to take notice.

By order of Court, H. C. WIJESINHA, Secretary

October 30, 1942.

belonging to J. M. Dissanayake, on the south by Edward lane, and on the west by premises bearing assessment No. 52, School lane; and containing in extent 18 30/100 perches; and registered under A 275/192.

Fiscal's Office,
 Colombo, November 3, 1942.

H. C. WIJESINHA,
 Deputy Fiscal.

In the District Court of Colombo.
 S. H. Moosajee and (2) G. H. Moosajee, carrying on business as Moosajees Forage Works, Colombo Plaintiffs.
 No. 13,631/M. Vs.
 A. Selvaetnam of Jawatta road, Colombo Defendant.

NOTICE is hereby given that on Friday, November 27, 1942, at 4 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. 10,989.66, with interest thereon at 9 per cent per annum from February 2, 1942, till payment in full and Rs. 104 costs to date of decree and further costs, viz. —

All that allotment of land marked 1 on plan No. 15/35 dated December 24, 1935, made by S. de la Harpe, Licensed Surveyor, of the land called Mudalpraven Madangahawatta alias Ulgedarawatta with the buildings standing thereon bearing assessment No. 131, Thmburgasyaya road, situated at Thmburgasyaya within the Municipality and District of Colombo, Western Province; bounded on the north by land belonging to the heirs of W. D. Carols, on the east by lands of E. C. de Fonseka and M. A. Vincent Anawarane and lot 2 on the said plan No. 15/35, on the south by Thmburgasyaya road, and on the west by land of D. E. Wijesuriya, land of E. C. de Fonseka, and land belonging to the heirs of W. D. Carols; and containing in extent 1 acre and 13.5 perches according to the said plan No. 15/35 which said allotment of land as above described is included in all that allotment of land called Mudalpraven Madangahawatta alias Ulgedarawatta with the buildings, trees, and plantations standing thereon situated at Thmburgasyaya in the Palle pattu of Salpiti koral in the District of Colombo, Western Province, now within the Municipality of Colombo bearing assessment No. 91 formerly, and presently No. 131, Thmburgasyaya road; bounded on the north-east by the lands of the heirs of W. D. Carols and of Don M. Isaac and lot marked C, on the south by Narahenpitiya road, and on the south-west by lands of D. Don Carols and of Proctor Fonseka, containing in extent 1 acre 16 5/100 perches, according to the survey plan dated May 5, 1907, made by T. F. Ondafoe, Fiscal's Surveyor, and registered in A 186/29 of the Colombo District Land Registry.

NOTICES OF FISCALS' SALES.
Western Province.

In the District Court of Colombo.

(1) Kavenna Sinnasamy Pillai, (2) Soona Pana Ramasamy Pillai and (3) Moona Palanivel, all of 196, Soa street, Colombo, carrying on business in partnership under the name, style, and firm of Vilasam of M. K. S. or Moona Kavenna Seena Plaintiffs.
 No. 5,132/S. Vs.

(1) D. J. B. Gomes and (2) R. M. Gomes, both of 2, Hill Castle place, Silversmith street, Colombo Defendants.
 NOTICE is hereby given that on Tuesday, December 1, 1942, at 3.30 p.m., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 1,010 together with further interest on Rs. 1,000 at 10 per cent per annum from October 17, 1941, to date of decree (November 4, 1941), and thereafter at the same rate on the aggregate amount till payment in full, less a sum of Rs. 100, viz. —

All that allotment of land lot 6 bearing assessment No. 2 with the buildings standing thereon Hill Castle place situated at Silversmith street, within the Municipality and District of Colombo, Western Province; and bounded on the east by premises No. 61, Silversmith street, south by lots 3 and 4, west by reservation for road, thirty feet wide, and on the north by part of the same property; and containing in extent 13 19 perches.

Fiscal's Office, Colombo, November 3, 1942. H. C. WIJESINHA, Deputy Fiscal.

In the District Court of Colombo.

T. Don Albert of Grandpass Plaintiff.
 No. 5,202/S. Vs.

(1) A. M. Marikar and (2) S. M. Pathumuttu, both of 244/9, Messenger street, Colombo Defendants.
 NOTICE is hereby given that on Monday, November 30, 1942, at 3 p.m., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 574.75 together with further interest on Rs. 550 at the rate of 15 per cent per annum from December 9, 1941, to date of decree (August 20, 1942), and thereafter on the aggregate amount at the rate of 9 per cent per annum till payment in full and costs, viz. —

An undivided 1/4 part or share of an allotment of land marked B in plan No. 3020 by C. H. J. Leembrugen, Surveyor, with the buildings thereon bearing assessment No. 344A/38B 1-5 and presently bearing assessment Nos. 167, 167 (1-6) situated at Prince of Wales avenue in the Kotahena Ward within the Municipality and in the District of Colombo, Western Province; bounded on the north-east by property of N. Pichey now bearing assessment No. 355/40A of Adamjee Lukmanjee, on the south-east by Mansergh avenue now called Prince of Wales avenue, on the south-west by the property of E. Mohamadu Mohideen now bearing assessment No. 322/22, and on the north-west by the grass field said to belong to Eddoris Baas; containing in extent 11.77 perches, and registered in A 264/252 and presently bounded on the north-west by grass field, south-east by Prince of Wales avenue, south-west by premises No. 165, Prince of Wales avenue, and north-east by petrol shed.

Fiscal's Office, Colombo, November 3, 1942. H. C. WIJESINHA, Deputy Fiscal.

In the District Court of Colombo.

(1) N. Seyad Kannu, (2) N. Abdul Cader Piri, (3) N. Adumai Kannu, (4) N. Peer Kannu, (5) Mohamud Kannu, all carrying on business under the name, style, and firm of Seyad Kannu & Brothers at 173, Galle road, Colpetty, Colombo Plaintiffs.
 No. 12,582/M. Vs.

Mrs. J. C. Samarasundara of 54, School lane, Colpetty, Colombo, presently of 21, Station road, Bambalapitiya Defendant.
 NOTICE is hereby given that on Saturday, November 28, 1942, at 11 A.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. 547.44, with legal interest thereon from December 3, 1940, till payment in full, viz. —

Lot B in plan No. 684B bearing assessment No. 54, School lane, Bambalapitiya, now falling under the division of Colpetty within the Municipality and District of Colombo, Western Province, together with the buildings and plantations thereon; bounded on the north by School lane, on the east by lot C of lot 4 and portion of lot A 5

I, Edward Trevor Dyson, Fiscal for the Central Province, do hereby appoint Mr. W. S. S. Monarawela, Interpreter, District Court, Hattton, to act as Fiscal's Marshal, Hattton, with effect from October 27, 1942, until the resumption of duties by the permanent Fiscal's Marshal, under Ordinance No. 4 of 1867, and authorise him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office, Kandy, October 27, 1942. E. T. DYSON, Fiscal.

I, Edward Trevor Dyson, Fiscal for the Central Province, do hereby appoint Mr. Duggannanilamele Mutu Banda Madawala, Clerk, Fiscal's Office, Kandy, to act as Fiscal's Marshal, Hattton, with effect from October 30, 1942, until the resumption of duties by the permanent Fiscal's Marshal, under Ordinance No. 4 of 1867, and authorise him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office, Kandy, October 29, 1942. E. T. DYSON, Fiscal.

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate and Effects Jurisdiction of the late John H. Rasiah Joseph of No. 10, Chapel road, Nugugoda, deceased.
 Dorothea Chumanna Rasiah Joseph of Chapel road, Nugugoda Petitioner.
 Vs.

(1) Parinbapathi Elizabeth Rajadevi Joseph, (2) Anandapathi Victoria Pushpadevi Joseph, (3) Lakshmi Hannah Mahadevi Joseph, (4) Karunapathi Florence Pathmadevi Joseph, (5) Piranapathi Regina Athibadevi Joseph, (6) Vararajan Samuel Aranadeva Joseph, (7) Brahmaraajan Paul Atheenadeva Joseph, (8) Varanarajan David Athmadeva Joseph, all of Chapel road, Nugugoda; the 8th respondent appearing by his guardian *ad litem* (9) David Gunaratnam Joseph of Badurugala Estate, Latpandura Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on September 29, 1942, in the presence of Mr. S. Sivasubramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated September 24, 1942, having been read:

It is ordered that the 9th respondent above named be and he is hereby appointed guardian *ad litem* of the minor, the 8th respondent, to represent him for all the purposes of this action, and that the petitioner above named, be and she is hereby declared entitled

as the widow of the deceased above named to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before November 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 19, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Doña Charlotte Wettasinghe Tillekeratne of No. 10, 193, of Maradana, Colombo, deceased.

Henry William W. Lawrance Perera of Wijitha, Thumbrigasaya road, Havelock Town Petitioner

And

(1) Don Darley Nayaka Wettasinghe Tillekeratne of Panadura, (2) W. Lawrance Perera of Basoline road, Colombo . Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 3, 1942, in the presence of Mr. K. Namasivayam, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner above named dated September 30, 1942, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as a brother of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before November 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 6, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. Charles William Augustus Samarakkody, late No. 10, 123, of Bendiyaulla in the Madu pattu of Siyane korale, deceased.

Charles Solomon Arthur Samarakkody of Bendiyaulla afore-said Petitioner.

(1) Charlotte Heretta de Livera of Maradana, (2) Mary Tillekeratne, wife of (3) Arthur Tillekeratne, both of Lenegala Estate in Panagoda in Palle pattu of Hewagama korale, (4) Charles Edwin Augustus Samarakkody of 15, Belmont street in Hulftsdorp, Colombo, (5) Fredica Millicent Seneviratne, wife of (6) James Christoffel Seneviratne, both of Poo-goda in Gangaboda pattu of Siyane korale, (7) Cornelia Clementine Dagmar Samarakkody of Bendiyaulla, (8) Charles Robert Alexander Samarakkody of Bendiyaulla, (9) Charles Douglas Daddly Samarakkody, (10) Olga Paulina Augusta Samarakkody, (11) Aney Elizabeth Samarakkody, (12) Charles Vernon Victor Samarakkody, (13) Charles Louis Lionel Samarakkody, (14) Charlotte Louisa Lilian Samarakkody, (15) Nancy Rosaline Harriet Samarakkody, all of Bendiyaulla in Gamapaha, (16) Togo Lionel Samarakkody of Ratnapura District, (17) Siripala Samarakkody of Gregory's road, Colombo, (18) Nonnie Hemawathie Seneviratne, wife of (19) Philph Seneviratne, both of Urapola in Udugaha pattu of Siyane korale, (20) Elsie Gunawardena, wife of (21) Quintus Gunawardena, both of Wat-rappola road, Mount Lavinia, (22) Lihian Senanayake, wife of (23) Piyadasa Senanayake, both of Keholela, (24) Effie Illankoon, wife of (25) Panani Illankoon, both of Weligama, Matara, (26) Stephen Samarakkody of Wanyapola, (27) Milton Samarakkody of Gregory's road, Colombo, (28) Edmund Samarakkody of unknown address. Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 13, 1942, in the presence of Mr. E. P. Samarasinghe, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 29, 1942, having been read:

It is ordered that the 8th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 14th and 15th respondents above named, to represent them for all the purposes of this action and that the petitioner be and he is hereby declared entitled, as an heir of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before November 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Shahrifa Umma (widow of Odhama Lebbe No. 6, 199, Ibrahim) of 24, Flower road, Colombo deceased.

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on October 13, 1942, in the presence of Mr. L. W. Fonseka, Proctor, on the part of the petitioner, Mohamed Kowif Salih of 24, Flower road, Colombo; and the affidavits (1) of the said petitioner dated September 11, 1942, and (2) of the attesting notary and a witness dated October 5, 1942, having been read:

It is ordered that the last will made by the deceased above named bearing No. 467 dated September 24, 1940, and now deposited in this court be declared proved and probate thereof be issued to the petitioner aforesaid as the executor mentioned in the said will on the publication of this order once in the *Ceylon Government Gazette* and twice in the "*Ceylon Daily News*" newspaper and on his tendering the usual oath and bond.

October 13, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Reverend Doctor Tambipalai Isaac No. 10, 201, Tambiyah, D.D., of Cotta road, Colombo, deceased.

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on October 13, 1942, in the presence of Mr. S. Sivasubramanian, Proctor, on the part of the petitioner, Mangalanayagam Tambiyah of Eithine, Ohlmus place, Borella, Colombo; and the affidavit (1) of the said petitioner dated October 3, 1942, and (2) of the attesting notary and a witness dated September 7, 1942, having been read:

It is ordered that the last will made by the deceased above named bearing No. 2416 dated March 17, 1933, and now deposited in this court be declared proved and probate hereof be issued to the petitioner aforesaid, as the executrix therein mentioned, on the publication of this order once in the *Ceylon Government Gazette* and twice in the "*Ceylon Observer*" and on her taking the usual oath of office.

October 13, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. late Doctor James Maslamani of Kandana, No. 10, 208, deceased.

Rah Maslamani nee Ponnaiyal of 4, Station road, Wellawatta in Colombo Petitioner.

And

(1) Sally Money, widow of Maharyang Maslamani of Gregory road in Badulla, (2) Cecil Money of Delford estate in Nanu-oia, (3) Mary Peter of Gregory road in Badulla . . . Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 16, 1942, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated October 7, 1942, and (2) the attesting notary dated October 15, 1942, having been read:

It is ordered that the last will and testament of Doctor James Maslamani, deceased the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved, and that the petitioner above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before November 26, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Mrs. Jurisdiction. Melita Avilda Terentia Corea Wickremeratne of No. 10, 209, Chulaw, deceased.

Reverend Edward Oswald Phaj Welikala of the Vicarage, Chulaw Petitioner.

(1) Frances Alexandra Alfred Welikala nee Wickremeratne (wife of Rev. E. O. P. Welikala), (2) Fredrick Ariel Wickremeratne, (3) Fredrick Edmund Lucia Wickremeratne, (4) Louisa Elizabeth Wickremeratne, (5) James Edward Corea, Gate Mudaliyar, all of Chulaw Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 17, 1942, in the presence of Mr. F. J. Bofeje, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 15, 1942, 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 3rd and 4th respondents, to represent them for all the purposes of this action and that the petitioner above named be and he is hereby declared entitled, as the son-in-law of the deceased above named, to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before November 26, 1942, show cause to the satisfaction of this court to the contrary.

October 21, 1942. JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. late Spencer Shelley of Huntley Court, Huntley, in the County of Gloucester, late of Colombo in the Island of Ceylon, deceased.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 20, 1942, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Daniel Thomas Richards of Colombo; and the affidavit of the said petitioner dated October 17, 1942, a certified copy of probate, a certified copy of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated October 14, 1942, having been read: It is ordered that the will of the said deceased

dated July 29, 1931, 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 one of the attorneys of the executors 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 November 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 20, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Absolute declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Almasinghege Benny Silva of Kotuwegoda in the Palle pattu of Hingam korale, deceased.

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on October 1, 1942, in the presence of Mr. A. Clive Jayewardane, Proctor, on the part of the petitioner, Lokuliyango alias Lokukaluge Agnes Perera Kotuwegoda aforesaid; and the affidavit of the petitioner dated August 28, 1942, and of the attesting witnesses dated July 22, 1942, having been read:

It is ordered that the said last will made by the deceased above named dated January 22, 1942, and now deposited in this court be declared proved and probate hereof be issued to the petitioner aforesaid, as the executrix mentioned in the said will, on the publication of this order once in the Ceylon Government Gazette and twice in the "Ceylon Observer" newspaper and on her taking the usual oath of office and tendering the security bond.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Avissawalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Mohammed Jurisdiction. Lobhe Aboo Haniff of Napawala, deceased.

Between Mohammed Yusoof Abdul Samad of Ruanwella Petitioner.
And

(1) Ummu Sakeena, (2) Noor Sanina, both of Ruanwella, 2nd respondent being a minor by her guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Avissawalla, on October 28, 1942, in the presence of Messrs. de Silva & de Silva, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 26, 1942, having been read:

It is ordered that (a) the 1st respondent be and she is hereby appointed guardian *ad litem* over the minor, the 2nd respondent, Noor Sanina above named, (b) that the petitioner be and he is hereby declared entitled, as brother-in-law of the said deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 24, 1942, show sufficient cause to the satisfaction of this court to the contrary.

K. D. DE SILVA,
District Judge.

October 28, 1942.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Panel Jurisdiction. prangigo Dona Kalperina Hamine of Negombo, No. 3,188, deceased.

Between Michael Joseph Tissera Basnayake of Negombo Petitioner.
And

(1) Titus Robert Tissera Basnayake, (2) John Jegeries Tissera Basnayake, (3) Victor Tissera Basnayake, all of Negombo Respondents

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on October 13, 1942, in the presence of Mr. S. D. C. W. Senaratne, Proctor, on the part of the petitioner; and the petition and the affidavit of the said petitioner dated October 13, 1942, and October 9, 1942, respectively, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as a nephew and an heir of the above-named deceased, to have letters of administration to her estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 30, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1942.

S. RAJARATNAM,
District Judge.

for showing cause is extended to November 20, 1942.

30, 1942.

S. R.,
D.J.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Danagamagedera Kim Appu Vidano, deceased, No. T. 204, of Palsupitiya.

THIS matter coming on for disposal before Chelliah Négalingam, Esq., District Judge, Kandy, on July 30, 1942, in the presence of Mr. M. B. E. Waduressa, Proctor, on the part of the petitioner, Danagamagedera Milanduwama; and the affidavit of the said petitioner dated July 30, 1942, and of the attesting witnesses dated July 17, 1942, having been read:

It is ordered that the last will of the above-named deceased dated April 21, 1942, and now deposited in this court be and the same is hereby declared proved unless the respondents—(1) Samayamantri Patabondigedera Ukku Etana, (2) Danagamagedera Ukku Naido, (3) Danagamagedera Tikiri Ethana, (4) Danagamagedera Menik Ethana, and (5) Danagamagedera Puchi Naido—or any other person or persons interested shall, on or before September 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as the son of the deceased above named, is entitled to have letters with a copy of will annexed 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.

August 1, 1942.

Date extended for October 29, 1942.

Date extended for November 26, 1942.

C. NAGALINGAM,
District Judge.

C. NAGALINGAM,
District Judge.

C. NAGALINGAM,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Ieperumachchy Andrus de Silva Gunewardene, No. 8,013, retired titular and Vidane Arachchy of Unanwitiya, deceased.

THIS matter coming on for disposal before A. S. Wanigasuriyar, Esq., Additional District Judge of Galle, on October 8, 1942, in the presence of Mr. J. J. Pandita Gunewardene, Proctor, on the part of the petitioner, David Ieperumachchy Gunewardene of Unanwitiya; and the affidavit of the said petitioner dated October 5, 1942, having been read:

It is ordered that the 1st respondent be appointed guardian *ad litem* over the 6th, 7th, and 8th minor respondents, unless the respondents, viz.:—(1) Mrs. Louisa Hottarachchy of Unanwitiya, (2) Mrs. Ellen Margaret Henry Dias Wijewickrema *nee* Ieperumachchy Gunawardene of Godagama, (3) Ieperumachchy Joseph de Silva Gunawardene, (4) Ieperumachchy Tevis Gunawardene, (5) Ieperumachchy Jayasena Gunawardene, (6) Ieperumachchy Sumana Gunawardene, (7) Ieperumachchy Swarnawathe Gunawardene, and (8) Ieperumachchy Somawathe Gunawardene, all of Unanwitiya, shall, on or before November 13, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as step son of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents above named shall, on or before November 13, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 8, 1942.

A. S. WANIGASURIYAR,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Don Sadrus Samarasinghe of Pelena, deceased. No. 3,810.

Between Ada Lilian Gunawardena of Wellawatta, presently of Gabada-weedya in Matara Petitioner.
And

(1) Sumana Gunawardena, wife of (2) David Perera Gunawardena, both of Gabada-weedya; (3) Jessineria Mutucumarana, wife of (4) S. D. S. M. Gunarana, both of Vajra road in Bambalapitiya; (5) Anant Abeygunawardena, wife of (6) Don Sowdis Abeygunawardena, both of Ahangama, (7) Caroline Samarawickrama, wife of (8) Kotudura Atehige Don Arhas de Silva, V. H., both of Pelena, (9) Reginald Samarawickrama of Pelena, (10) Maggie Samarawickrama, wife of (11) Harry Gunawardena, both of Polhena, (12) Cecilya Samarawickrama, wife of (13) G. W. Piyawardena, Waddypillele, both of Mawella in P. Galle, (14) August Evely Gunaratne, wife of (15) W. S. Gunaratne, both of Pettigalwatta in Galle, (16) Tiddy Gene Jayawardena, wife of (17) Edmund Jayawardena both of Pamburata; (18) Mabel Beatrice Gunawardena of Pettigalwatta in Galle, (19) Tudor Perera Gunawardena, (20) Kamala Perera Gunawardena, both of whom are minors by their proposed guardian *ad litem* the 11th respondent Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., District Judge of Matara, on August 31, 1942, in the presence of Mr. W. J. Serasinghe, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated August 10, 1942, having been read: It is ordered (a) that the petitioner be and she is hereby declared entitled to have letters of administration *cum testamento* to his estate issued to her, (b) that the 7th

respondent be and she is hereby substituted in room of the 9th respondent, deceased, (c) that the 19th and 20th respondents be and they are hereby added as respondents to this action, (d) that the 11th respondent be and he is hereby appointed guardian ad litem over the minors, 19th and 20th respondents, to represent them for all purposes of this action, (e) that the 19th, 20th, and 11th respondents be and they are hereby substituted in room of the 10th respondent, deceased, unless the respondents above named or any other person or persons interested shall, on or before September 21, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 31, 1942.

V. E. RAJAKARIER, District Judge.

Date extended to November 9, 1942

V. E. RAJAKARIER, District Judge.

September 21, 1942.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Charles Jurisdiction. Wijesiri of Magalle, deceased. No. 4,145.

Ellen Wijesiri of Magalle Petitioner.

Vs.

(1) Mary Wijesiri, (2) Leslie Wijesiri, (3) Patabendige Baron Ediriweera all of Magalle Respondents.

THIS matter coming on for disposal before D. A. Liyanage, Esq., District Judge of Matara, on April 1, 1942, in the presence of Mr. W. T. Wijekulasuriya, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated March 5, 1942, having been read. It is ordered that the 3rd respondent be and he is hereby appointed guardian ad litem over the 1st and 2nd minor respondents to represent them for all the purposes of this action, and (b) 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 June 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

D. A. LIYANAGE, District Judge.

Proceedings transferred to the District Court of Galle by Order of Supreme Court dated August 20, 1942.

Testamentary Jurisdiction No. 8,015.

The date for showing cause on the Order Nisi aforementioned is extended to November 6, 1942.

A. VANIGASURIYAR, Acting District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Donald Jurisdiction. Shelton de Alwis of Kurunegala. No. 4,156.

Marjorie Daisy Alexandra de Alwis of Mizpah, Matara Petitioner.

Vs.

(1) Donald Shelton Alexander de Alwis, (2) Diana Milcent Alexandra de Alwis, (3) W. A. Perera, J.P., Galle, (4) Madalyar of Mizpah, Matara Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., District Judge of Matara, on September 10, 1942, in the presence of Mr. S. R. Amarasekera, Proctor, on the part of the petitioner above named; and the affidavit of the above-named petitioner dated July 29, 1942, having been read:

It is ordered that the said 3rd respondent be and he is hereby appointed guardian ad litem over the 1st and 2nd respondents, minors, for all purposes of this action, and that the above-named petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the above-named estate issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before October 19, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 1942.

V. E. RAJAKARIER, District Judge.

The above Order Nisi is extended to November 16, 1942.

October 19, 1942.

V. E. RAJAKARIER, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testy. In the Matter of the Estate of the late Kovindar No. 20. Subramaniam of Karaikudi, deceased

Sellamma, widow of Kovindar Subramaniam of ditto Petitioner.

Vs.

(1) Thangammal, daughter of Subramaniam of ditto (minor), and (2) Kovindar Arumugam of ditto Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge, on August 12, 1942, in the presence of Mr. A. Arumugam, Proctor, on the part of the petitioner and the affidavit

of the petitioner having been read: It is ordered that the 2nd respondent be appointed guardian ad litem over the minor 1st respondent, and the petitioner be declared entitled to have letters of administration to the estate of the said intestate as his widow, unless the respondents shall appear in person before this court on September 25, 1942, and state objection or show cause to the satisfaction of this court.

August 21, 1942

G. C. THAMBYAH, District Judge.

Time to show cause extended to November 23, 1942.

October 26, 1942.

G. C. THAMBYAH, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. L. S. Edwards of Vaddukodai. No. 38.

Mrs. A. R. Edwards of Vaddukodai Petitioner.

Vs.

(1) Rosabelle Sothimalar Edwards, a minor, of Vaddukodai by her guardian ad litem (2) F. W. Edwards of Rosmead place, Colombo Respondents.

THIS matter of the above-named petitioner praying that the 2nd respondent be appointed guardian ad litem over the first respondent, who is a minor, and that the petitioner be appointed administratrix of the estate of the above-named deceased, coming on for disposal before G. C. Thambyah, Esq., District Judge, on September 18, 1942, in the presence of Mr. S. R. Arnanayagam, Proctor, on the part of the petitioner; and her petition and affidavit having been read. It is hereby ordered that the 2nd respondent be and he is hereby appointed guardian ad litem of the first respondent minor and that the petitioner be appointed administratrix of the estate of the deceased, as widow of the said deceased, and letters of administration be granted to her, unless the respondents or any other person interested shall appear and show cause to the contrary on or before October 14, 1942, at 10 A.M. It is further ordered that the proposed guardian ad litem, the 2nd respondent, and the minor, the first respondent, do appear before this court on the said date.

September 18, 1942.

G. C. THAMBYAH, District Judge.

Extended for November 16, 1942.

G. C. THAMBYAH, District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Estate of the late Annappakkiam, wife of Thambiah Nallathambiy of Jurisdiction. Thondamanar, deceased. No. 137 P.

Veluppi Thuraiyappan of Thondamanar Petitioner.

Vs.

(1) Saraswathy, daughter of T. Nallathambiy, (2) Maheswary, daughter of T. Nallathambiy, both of ditto, (3) Kadrganar Ramaswamy of Thondamanar (the 1st and 2nd respondents are minors appearing by their guardian ad litem, the 3rd respondent) Respondents.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased, Annappakkiam, wife of Thambiah Nallathambiy, coming on for disposal before L. W. de Silva, Esq., Additional District Judge, on October 23, 1942, in the presence of Mr. N. A. Rajaratnam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 23, 1942, having been read: It is declared that the petitioner is the brother of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before November 20, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 24, 1942.

L. W. DE SILVA, District Judge.

In the District Court of Mannar.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Intestate Will and Testament Jurisdiction. of Mohaideenpicha Mohaideen Meeranambo late of Moor street, Mannar, deceased. No. 673.

Thamotharanpillai Ramakathani, Secretary, District Court, Mannar Petitioner.

And

(1) Kappalusan Nachchia alias Salkaamma, widow of Mohamado Abdulrahuman, (2) Mohamado Abdulrahuman Sahulhameed, (3) Mohamado Abdulrahuman Ravulaamma, all of Moor street, Mannar Respondents.

THIS matter coming on for disposal before M. M. I. Kariapper, Esq., Additional District Judge of Mannar, on September 1, 1942,

in the presence of Mr. V. A. Alegacone, Proctor, on the part of the petitioner; and the affidavit of the said petitioner having been read (the attesting notary having produced in court on December 1, 1941, the last will which was in his custody since the date of its execution and having sworn to the fact of its having been attested by him). It is ordered that the last will and testament of the said Mohamadompichai Mohaideen Moerasaibo, deceased, dated July 24, 1941, numbered 133, and attested by Mr. A. Seemampillai, Notary Public, be and same is hereby declared proved and that the said Kappalusan Nachchia *alias* Salkaamma, widow of Mohamado Abdulrahuman, the 1st respondent above named, be appointed guardian *ad litem* over the above-named 2nd and 3rd respondents, minors, for the purpose of this action, and that the executor appointed in the said last will having refused to apply for probate, the above-named petitioner be and he is hereby declared entitled, as secretary of this court, to have letters of administration (with the will annexed) issued to him accordingly, unless the respondents above named or any person or persons shall, on or before October 15, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 25, 1942.

M. M. I. KARIAPPER,
District Judge.

Time to show cause extended till November 18, 1942.

M. M. I. K.,
D.J.

In the District Court of Ratnapura.

Order Nisi.

Testamentary
No. 1,133.

In the Matter of the Estate of the late Mala Kutty
Ponnan, Kanganay of Niriella Estate, Niviti-
gala, deceased.

Sinnai Iyammal of Niriella Estate, widow of the said Mala Kutty
Ponnan of Niviti-gala, Respondent.

Act

(1) Ponnan Palai, (2) Ponnan Ramasamy, both of Niriella Estate,
Niviti-gala Respondents.

THIS matter coming on for disposal before D. E. Wijeyewardene, Esq., Additional District Judge, Ratnapura, on October 22, 1942, in the presence of Mr. H. Richard Peiris, Proctor, on the part of the petitioner; and the affidavit of the petitioner above named dated October 21, 1942, having been read; It is ordered that the said petitioner is the widow of the deceased above named and that she is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before November 19, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1942.

EARLE WIJEWWARDENE,
Additional District Judge.

DRAFT ORDINANCES.

MINUTE.

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

M. L. A.—B 1913/L. D.—O 39/42.

An Ordinance to restrict the increase of rent and to provide for matters incidental to such restriction.

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

Sho title.

1. This Ordinance may be cited as the Rent Restriction Ordinance, No. of 1942.

Application of Ordinance.

2. (1) The Governor may from time to time, by Proclamation published in the *Gazette*, declare that this Ordinance shall be in force in any area specified in the Proclamation and appoint the date on and after which the Ordinance shall be in force in such area.

(2) So long as a Proclamation under sub-section (1) is in force in respect of any area, this Ordinance shall subject as hereinafter provided, apply to all premises in such area which are used or occupied or intended to be used or occupied, whether in their entirety or in separate parts, for the purposes of residence or for the purposes of any trade, business, undertaking, profession, vocation or employment, or for any other purpose whatsoever:

Provided, however, that the Governor may, by Order published in the *Gazette*, exempt any specified premises or premises of any specified class or description from the operation of this Ordinance or of any specified provision thereof; and so long as such an Order is in force, this Ordinance or such specified provision thereof, as the case may be, shall not apply in the case of the premises specified in the Order or of premises which are of any class or description so specified.

Restriction on increase of rent.

3. (1) It shall not be lawful for the landlord of any premises to which this Ordinance applies—

- (a) to demand, receive or recover as the rent of such premises, in respect of any period commencing on or after the appointed date, any amount in excess of the authorised rent of such premises as defined for the purposes of this Ordinance in section 4; or
- (b) to increase the rent of such premises in respect of any such period to an amount in excess of such authorised rent.

(2) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purposes of this Ordinance, be treated as an alteration of rent, and where, as the result of such a transfer, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased; and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any premises are held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purposes of this Ordinance:

Provided that, for the purposes of this section, the rent shall not be deemed to be increased where the liability for rates is transferred from the landlord to the tenant, if a corresponding reduction is made in the rent.

4. For the purposes of this Ordinance, the authorised rent of any premises shall be the standard rent of the premises determined under section 5, or where any increase of rent is permitted under section 6 in the case of such premises, the aggregate of the standard rent and every such permitted increase.

Authorised
rent.

5. The standard rent of any premises means—

Standard rent.

- (a) the rent at which the premises were let on the first day of November, 1941 ; or
- (b) where the premises were not let on that day, but had been let previously, the rent at which the premises were last let before that day, or such other rent as may be fixed by the Assessment Board on the application either of the landlord of the tenant ; or
- (c) where the premises, not having been previously let, were first let after that day, but before the appointed date, the rent at which the premises were so let, or such other rent as may be fixed by the Assessment Board on the application either of the landlord or of the tenant ; or
- (d) where the premises, not having been previously let, are first let on or after the appointed date, such rent as may be fixed by agreement between the landlord and the tenant, or in the absence of such agreement, by the Assessment Board on the application either of the landlord or of the tenant :

Provided that in the case of any premises let at a progressive rent payable under the terms of a lease executed prior to the first day of November, 1941, the standard rent of the premises in respect of any period shall be the rent payable in respect of that period under the terms of the lease :

Provided, further, that where any premises, which were let fully furnished at the date by reference to which the standard rent of the premises is determined for the purposes of this Ordinance, are let unfurnished or not fully furnished at any time after the appointed date, the Assessment Board may, on the application of the tenant, reduce the amount of the standard rent to such amount as the Board may consider reasonable, having regard to all the circumstances of the case.

6. Any increase of the rent of any premises in accordance with the provisions of any of the following paragraphs shall be a permitted increase for the purposes of this Ordinance :—

Permitted
increase.

- (a) Where the landlord of any premises has, since the date by reference to which the standard rent of the premises is determined for the purposes of this Ordinance, incurred, or hereafter incurs, expenditure on the improvement or structural alteration of the premises (not including expenditure on decoration or repairs), the standard rent per annum may be increased by an amount calculated at a rate not exceeding six per centum of the amount so expended :

Provided, however, that on the application of the tenant of such premises, the Assessment Board may, on the ground that such expenditure is or was unnecessary in whole or in part, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased.

- (b) Where the rates levied under any written law in respect of any premises are, under the terms of the tenancy, payable by the landlord, and the actual amount for the time being payable per annum by way of such rates exceeds the amount so paid for the year which included the date by reference to which the standard rent of the premises is determined for the purposes of this Ordinance, the standard rent per annum may be increased by an amount which bears to such rent the same proportion as the excess amount payable per annum by way of such rates bears to the amount so paid for the year which included the aforesaid date.
- (c) Where the rates levied under any written law first became payable or first become payable in respect of any premises after the date by reference to which the standard rent of the premises is determined for the purposes of this Ordinance, and such rates are, under the terms of the tenancy, payable by the landlord, the standard rent per annum may be increased

by an amount equal to the amount payable per annum by way of such rates in respect of such premises.

- (d) Where repairs have been or are at any time executed to any premises at the request of the tenant, and the amount of the expenditure incurred on such repairs exceeds one twelfth of the standard rent per annum of the premises, the standard rent per annum may be increased, in respect of the period of one year commencing on the first day of the month succeeding that in which the repairs were or are completed, by an amount equal to one-half of such excess :

Provided, however, that on the application of the tenant, the Assessment Board may, if satisfied that the amount of the expenditure stated by the landlord to have been incurred was excessive, having regard to the nature and extent of the repairs executed, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased.

- (e) Where any premises, which were let unfurnished at the date by reference to which the standard rent of the premises is determined for the purposes of this Ordinance, are let fully furnished at any time after the appointed date, the standard rent per annum may be increased by an amount equal to twenty five per centum of such standard rent :

Provided, however, that on the application of the tenant, the Assessment Board may, if it considers it expedient so to do, having regard to all the circumstances of the case, reduce the amount by which the standard rent may be increased under the preceding provisions of this paragraph.

(2) Where the rent of any premises is under the terms of the tenancy payable by the month or the quarter or the half-year the amount of any permitted increase of the standard rent per annum shall be apportioned accordingly.

Prohibition of premium or other additional payment

7. No person shall, as a condition of the grant, renewal or continuance of the tenancy of any premises to which this Ordinance applies, demand or receive, in addition to the rent of such premises, any premium, commission, gratuity or other like payment or pecuniary consideration whatsoever.

Restriction of right to institute proceedings for ejection.

8. Notwithstanding anything in any other law, no action or proceedings for the ejection of the tenant of any premises to which this Ordinance applies shall be instituted in or entertained by any court, unless the Assessment Board, on the application of the landlord, has in writing authorised the institution of such action or proceedings :

Provided, however, that the authorisation of the Board shall not be necessary in any case where—

- (a) rent has been in arrear for one month after it has become due ; or
 (b) the tenant has given notice to quit, and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession ; or
 (c) the premises are reasonably required for occupation as a residence for the landlord or any member of the family of the landlord or for the purposes of his trade, business, profession, vocation or employment.

For the purposes of paragraph (c) of the foregoing Proviso, " member of the family " of any person means the wife of that person, or any son or daughter of his over eighteen years of age, or any parent, brother or sister dependent on him.

Recovery of payments in excess of authorised rent.

9. Where any tenant of any premises to which this Ordinance applies has paid by way of rent to the landlord, in respect of any period commencing on or after the appointed date, any amount in excess of the authorised rent of those premises, such tenant shall be entitled to recover the excess amount from the landlord, and may, without prejudice to any other method of recovery, deduct such excess amount from the rent payable by him to the landlord.

Statement as to standard rent, &c.

10. The landlord of any premises to which this Ordinance applies shall, on being requested in writing so to do by the tenant of the premises, supply the tenant with a statement in writing setting out the standard rent of the premises and the amount of any increase of rent which is claimed by the landlord to be a permitted increase.

11. (1) For the purposes of this Ordinance, there shall be established a Rent Assessment Board for each proclaimed area.

(2) The Assessment Board for any proclaimed area which is a Municipality shall consist of (a) the Mayor as Chairman of the Board, and two members of the Municipal Council elected for the purpose by the Council, (b) the Municipal Commissioner, (c) the Municipal Assessor, if any, (d) the Chief Government Valuer or an officer of his Department nominated by him, and (e) not more than two other persons appointed by the Minister.

(3) The Assessment Board for any proclaimed area which is a town within the meaning of the Urban Councils Ordinance, No. 61 of 1939, or of the Local Boards Ordinance shall consist of (a) the Chairman of the Urban Council or Local Board as Chairman of that Assessment Board, and two members of the Urban Council or Local Board elected for the purpose by such Council or Board, (b) the Chief Government Valuer or an officer of his Department nominated by him, and (c) not more than three other persons appointed by the Minister.

(4) The Assessment Board for any proclaimed area comprising one or more of the Sanitary Board towns in any province or revenue district shall consist of (a) the Chairman of the Sanitary Board as Chairman of that Assessment Board, and two members of the Sanitary Board elected for the purpose by the Sanitary Board, (b) the Chief Government Valuer or an officer of his Department nominated by him, and (c) not more than three other persons appointed by the Minister.

(5) The Assessment Board for any proclaimed area which is a rural area situated in any province which has not been divided into revenue districts or in any revenue district shall consist of (a) the Government Agent or Assistant Government Agent, as the case may be, as Chairman of the Board, and (b) not more than six other persons appointed by the Minister.

In this sub-section, "rural area" means any area which is not within the administrative limits of a Municipal Council, an Urban Council or a Local Board and is not a Sanitary Board town.

12. (1) Every application to the Assessment Board under the provisions of this Ordinance shall be made in such manner as may be prescribed.

(2) Before making any order the Board shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as seems relevant to the Board.

(3) The Board may examine any witness on oath, if it thinks fit, and may summon any person to appear before it, and may require any person to produce any document, which it considers relevant, including any document of title.

(4) All documents, notices or summonses issued under the hand of the Chairman of the Board shall be deemed to be issued by the Board.

(5) The opinion of the majority of the members of the Board present shall be deemed to be the decision of the Board on any matter. In case of an equality of votes, the Chairman shall have a casting vote.

(6) Three members of the Board shall form a quorum.

(7) In the absence of the Chairman of the Board from any meeting of the Board, the members present shall elect a Chairman for that meeting.

(8) The proceedings of the Board shall be open to the public, and minutes of such proceedings including a summary of any oral evidence given before the Board, shall be kept by or under the direction of the Chairman.

(9) Any interested party may be represented before the Board by an advocate or proctor.

(10) The proceedings of the Board shall be deemed to be judicial proceedings within the meaning and for the purposes of Chapter XI. of the Penal Code, and the members of the Board shall be deemed to be public servants within the meaning of that Code.

(11) Subject to the provisions of this section, the Board may regulate its own procedure.

(12) Every order made by the Board at any meeting, when reduced to writing and signed by the Chairman of that meeting, shall be final and conclusive and shall not be called in question in any court of law.

13. (1) All expenses incurred in the administration of this Ordinance shall be paid out of moneys provided by the State Council for the purpose.

(2) Regulations may be made under section 15—

(a) prescribing the fees or rates of fees to be paid by persons making applications to any Assessment Board under this Ordinance, and providing for the recovery of any such fee;

Establishment
and constitution
of Assessment
Boards.

Cap. 196.

Proceedings
before the
Assessment
Board.

Cap. 15.

Financial
provisions.

(b) providing for the payment of remuneration and travelling allowances to members of Assessment Boards.

Offences and penalties.

14. Every person who contravenes or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and such imprisonment.

Regulations.

15. (1) The Executive Committee of Local Administration may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the provisions and principles of this Ordinance.

(2) No regulation made under sub-section (1) shall have effect until it has been approved by the State Council and ratified by the Governor, and until notification of such approval and ratification has been published in the *Gazette*.

(3) Every regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon the notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

Interpretation.

16. (1) In this Ordinance, unless the context otherwise requires—

“appointed date”, in relation to any premises situated in any proclaimed area, means the date appointed by the Governor in the Proclamation under section 2 in respect of that area;

“Assessment Board”, in relation to any premises, means the Rent Assessment Board established under section 11 for the proclaimed area in which the premises are situated;

“landlord”, in relation to any premises, means the person for the time being entitled to receive the rent of such premises;

“proclaimed area” means any area specified in any Proclamation for the time being in force under section 2.

(2) For the purposes of this Ordinance, any tenant of any premises who lets the premises to any sub-tenant shall be deemed, in relation to the sub-tenant, to be the landlord of the premises.

Savings.

17. Nothing in this Ordinance shall be deemed to authorise any increase of the rent of any premises otherwise than in accordance with the terms of any lawful agreement relating to the tenancy of those premises or with the provisions of any law applicable in that behalf.

Duration of Ordinance.

18. This Ordinance shall cease to be in operation on such date as may be appointed by the Governor by Proclamation published in the *Gazette*.

Objects and Reasons.

The object of this Bill is to make provision for restricting the increase of rents during the present emergency.

2. The provisions of the proposed law are to be brought into operation only in selected areas but will apply to all premises in such areas. The demand or recovery of any rent in excess of the authorised rent is to be prohibited, the authorised rent for these purposes being the standard rent or, in certain circumstances, the aggregate of the standard rent and certain permitted increases. The standard rent will, as a general rule, be the rent at which the premises were let on November 1, 1941; but special provision is to be made for ascertaining the standard rent of premises which were not actually let on that date. For the purpose of determining the standard rent in the last mentioned cases and for settling disputes as to rent between landlords and tenants, a Rent Assessment Board is to be established for each area to which the new law is to be applied.

3. So long as the new law is in force in any area, a landlord will be precluded from instituting proceedings for ejectment without the leave of the Rent Assessment Board, except on certain specified grounds such as non-payment of rent.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, November 4, 1942.