



THE CEYLON GOVERNMENT GAZETTE

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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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SUPPLEMENT

The INDEX to the Gazette for the First Half-year of 1942

PASSED ORDINANCES.

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

No. 58 of 1942.

L. D.—O 25/38

An Ordinance to amend the Thoroughfares Ordinance.

Chapter 148.
(Volume IV.,
page 3.)

A. CALDECOTT.

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 Thoroughfares (Amendment) Ordinance, No. 58 of 1942.

Short title.

2. The following sections shall be inserted immediately after section 62 of the Thoroughfares Ordinance and shall have effect respectively as sections 62A, 62B, 62C, 62D, 62E, 62F and 62G of that Ordinance:—

Insertion of new sections 62A to 62G in Chapter 148.

62A. (1) It shall not be lawful for any person, at any time after such date as the Governor may appoint by notification published in the *Gazette*—

Building limits along roads.

(a) to erect any building, boundary wall or gateway within a limit, (hereinafter referred to as the "building limit"), of twenty-five feet from the centre of any road in charge of the Public Works Department and used or intended for vehicular traffic; or

(b) except under the authority of a licence granted by the District Committee of the district, to re-erect, or to make any addition to, any building, boundary wall or gateway within the building limit of any such road:

Provided, however, that nothing in the preceding provisions of this sub-section shall be deemed to apply to any repairs effected in any building, boundary wall or gateway existing on the date appointed as hereinbefore provided.

For the purposes of this sub-section, "repairs" shall not be deemed to include any work of re-erection or re-construction or the addition of any new part.

(2) (a) No licence shall be granted under sub-section (1) by the Chairman of any District Committee except with the written consent of the Executive Engineer of the district for which the Committee is constituted.

(b) It shall be a condition of any licence granted by the Chairman of a District Committee under sub-section (1) for the re-erection of, or for any addition to, any building, boundary wall or gateway that if possession for the public use is taken at any time, under section 7 of this Ordinance, of the land on which such building, wall or gateway is

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situated, or if such land is acquired under the Land Acquisition Ordinance, the compensation payable in respect of such building, wall or gateway shall be the value thereof at the time when the licence is granted, as determined in accordance with the provisions of section 62E.

(3) (a) Full particulars of every licence granted under sub-section (1), including particulars of the condition set out in sub-section (2) and of the land and the building, boundary wall or gateway to which the condition relates shall be entered by the District Committee in a register to be kept for the purpose at the Office of the Chairman of the Committee; and the Chairman shall cause a certified copy of every such entry to be registered in the Office of the Registrar of Lands of the place in which such land is situate. The Registrar of Lands shall register all such copies free of any charge or duty.

(b) Upon the registration of any entry under this sub-section, the condition of the licence set out in such entry shall be binding upon the land and the building, wall or gateway affected thereby in accordance with the tenor of such condition, into whosoever ownership or possession the land or building or wall or gateway may at any time pass.

(c) Every register kept under paragraph (a) at the office of the Chairman of a District Committee shall be made available for inspection to any person interested at any time when the office is open for the transaction of business.

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(d) The provisions of section 2 of the Prevention of Frauds Ordinance shall not apply in the case of any entry or any copy of any entry referred to in this sub-section.

(4) Subject to the condition referred to in sub-section (2), any person who is otherwise entitled to re-erect or make any addition to any building, boundary wall or gateway shall be entitled to a licence to re-erect or make such addition to such building, wall or gateway within the building limit:

Provided that no part of the building, wall or gateway so re-erected or added to shall, upon such re-erection or addition, extend nearer to the centre of the road than it so extended in its original condition.

(5) The expression "re-erect", with reference to a building, includes the restoration of any wall forming part of the building or of any support to the building which has been demolished or otherwise destroyed or within a distance of five feet from the ground, but does not include any operation which, in the opinion of the Chairman of the District Committee, may reasonably be considered to be a repair to the wall or support.

Modification of building limit.

62B. The Executive Committee of Communications and Works may, upon the recommendation of the District Committee of any district, by notification published in the *Gazette*, modify or extend the building limit in respect of any road or any part of any road in charge of the Public Works Department and situated in that district; and for the purposes of the application of the provisions of this Ordinance relating to the building limit along roads, the building limit along such road or part of a road shall be the building limit as so modified or extended by the Executive Committee:

Provided, however, that a District Committee shall, before recommending any such modification, have regard to the convenience of the public, and to the need for preserving the amenities of the locality and for ensuring that the modification will not increase the cost of any proposed scheme for the development, diversion or enlargement of the road, or any part of the road, which will be affected by such modification:

Provided further that a District Committee shall not recommend any such modification or extension except with the prior approval of the Director of Public Works.

Powers of District Committee upon contravention of section 62A.

62C. If any person erects or re-erects any building, boundary wall or gateway or makes any addition to any building, boundary wall or gateway in contravention of any of the provisions of section 62A, the District Committee shall be entitled to cause such building, wall or gateway to be demolished or removed by any officer or servant of the Committee, and for that purpose the District Committee shall have the same rights of entry and survey and the same powers of removal, abatement and recovery of costs as in the case of an obstruction or encroachment or a supposed obstruction or encroachment upon a road, and all the provisions of this Ordinance relating to such obstructions and encroachments, so far as they are applicable, shall apply accordingly with such modifications as may be necessary.

62D. Where any building, boundary wall or gateway erected within the building limit of any road is situated on any portion of land of which possession for the public use is taken under section 7 of this Ordinance, or which is acquired under the Land Acquisition Ordinance, then notwithstanding anything to the contrary in that Ordinance—

Compensation
in respect of
land
developed
by buildings.
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- (a) the compensation payable in respect of such building, wall or gateway shall, if it has been re-erected or added to under the authority of a licence under section 62A, be the value thereof as specified in that licence, and the value assigned to the land shall be the market value of the land at the time of the acquisition;
- (b) no compensation shall be allowed in respect of any building, wall or gateway erected in contravention of section 62A, or in respect of any re-erection or addition made or effected thereto in contravention of that section.

62E. (1) The value of any building, boundary wall or gateway shall, for the purposes of section 62A (2)—

Valuation of
buildings,
&c., within
building
limit.

- (a) be fixed by agreement between the District Committee and the owner or owners of the building, boundary wall or gateway; or
 - (b) where it is not so fixed by agreement, be determined by the arbitration of two arbitrators, one nominated by the owner or owners of the building, boundary wall or gateway, and the other by the District Committee, or if such arbitrators cannot agree upon the said value, by an umpire chosen jointly by the two arbitrators.
- (2) In determining the value of any building, boundary wall or gateway or any part thereof for the purposes of section 62A (2), the following principles shall be followed:—
- (a) where any building, boundary wall or gateway, or any part thereof the removal of which would render the remaining part useless, is situated within the building limit of any road, and where, for that reason, the removal of the entire building, boundary wall or gateway will become necessary in the event of the road being widened, the value of the entire building, boundary wall or gateway shall be determined; and such value shall be the difference between the market value of the premises, that is to say, of the building, boundary wall or gateway together with the land attached thereto, at the time of the valuation, and the market value at that time of the land as distinct from the building, boundary wall or gateway;
 - (b) where only a part of a building, boundary wall or gateway is situated within the building limit of any road, and after the severance and removal of such part the remaining part will be capable of adaptation either to the original purpose of the building, boundary wall or gateway or to any other purpose permitted by law, the value of the part within the building limit shall alone be determined; and such value shall be the aggregate of—
 - (i.) the estimated cost of the severance and removal of that part of the building, boundary wall or gateway; and
 - (ii.) the estimated cost, in the case of a building, of adapting the part of the building which will then remain to the purpose for which the building is used at the time of the valuation, and in the case of a boundary wall or gateway, of completing such additions or repairs as may be necessary;
 - (c) where, at the time of the valuation of any building, boundary wall or gateway, the value of such building, boundary wall or gateway is found to have been increased by any alteration or improvement effected in the building, boundary wall or gateway after the date appointed under section 62A (1), then notwithstanding that the alteration or improvement may have been authorised by a licence under section 62A (1), the amount of the increase shall not be taken into account unless the alteration or improvement was necessary for the maintenance of the building, boundary wall or gateway in a proper state of repair.

Acquisition of adjacent land for owner of land affected by building limit.

62F. (1) Where the right of the owner of any land, part of which is situated within the building limit of any road, to erect a building on the land, is restricted by reason of the provisions of section 62A, such owner may, if he desires to erect a building, make application to the Provincial Committee requiring that land at the rear of his land, of sufficient extent to afford him building facilities of the same nature as he would have enjoyed if the provisions of section 62A had not been in force, be acquired for him at his expense; and the Governor may, upon the recommendation of the Provincial Committee and after such inquiry as he may deem necessary, order that a specified extent of the land at the rear of the land of such owner shall be acquired for such owner, and the provisions of any written law relating to the acquisition of private land for public purposes shall thereupon apply for the purposes of the acquisition of such extent of land in like manner as if such extent of land were required for public purposes.

(2) All costs, charges, and other expenses incurred in the acquisition of any extent of land in pursuance of an order under sub-section (1) shall be paid by the owner of the land upon whose application such extent of land is acquired.

Application of sections 62A to 62F.

62G. (1) For the purpose of the application of the provisions of sections 62A to 62F in the case of any road in any province which has not been divided into districts, any reference in any of those provisions to a District Committee shall be deemed to be a reference to the Provincial Committee constituted for that province; and any reference to an Executive Engineer shall be deemed to be a reference to the Superintending Engineer of that province.

(2) For the purposes of sections 62A to 62F, a road shall be deemed to be in charge of the Public Works Department if it is maintained by the Public Works Department from funds provided out of the general revenue of Ceylon; and a certificate under the hand of the Director of Public Works to the effect that any road is in charge of the Public Works Department shall be conclusive evidence of the fact that the road is so maintained.

(3) Nothing in sections 62A to 62F shall apply in the case of any building, boundary wall or gateway erected or re-erected, or proposed to be erected or re-erected—

(a) along any principal thoroughfare which is situated in any town as defined in the Urban Councils Ordinance, No. 61 of 1939, and in relation to which the provisions of section 56 (2) of that Ordinance are applicable; or

(b) along any road in respect of which street lines providing for a roadway exceeding fifty feet in width have been defined under section 19 of the Housing and Town Improvement Ordinance.

Cap. 199.

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

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

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

H. A. C. DOBBS,
Acting Secretary to the Governor.

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

No. 59 of 1942.

An Ordinance to incorporate the Society of the Ceylonese Brothers of St. Joseph.

A. CALDECOTT.

Preamble.

WHEREAS a Society, styled and known as the Society of the Ceylonese Brothers of St. Joseph has heretofore been established at Jaffna, and is functioning in Jaffna District, Mannar, Batticaloa, Kalmunai and Hatton in Ceylon, and in Rangoon in Burma for the purpose of effectually carrying out and transacting all matters connected with the said Society:

And whereas the said Society has applied to be incorporated and it will be for the public advantage to grant the application:

Be it therefore 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 Ceylonese Brothers of St. Joseph Incorporation Ordinance, No. 59 of 1942.

2. From and after the passing of this Ordinance, the Director-General, his four Councillors, the Bursar-General for the time being of the said Ceylonese Brothers of St. Joseph, as hereinafter constituted, and such and so many persons as now are or shall hereafter be admitted as members of the Society of the Ceylonese Brothers of St. Joseph, shall be a Corporation, hereinafter called "the Society" and shall have the name of "The Society of the Ceylonese Brothers of St. Joseph", and in that name shall have perpetual succession and shall and may sue and be sued in all Courts in Ceylon, and may have and use a common seal and alter the same at their pleasure.

Incorporation of the Society of the Ceylonese Brothers of St. Joseph.

3. The general objects for which the Society is constituted are hereby declared to be :—

General Objects of the Society.

- (1) to carry on educational work among the masses in all branches of knowledge ;
- (2) to establish, maintain and otherwise assist schools, orphanages, farms and similar educational and charitable institutions ; and
- (3) to undertake and carry on all such work as may appear necessary to attain the aims and objects of the Society.

4. (a) The affairs of the Society shall, subject to any rules made under this Ordinance be administered by a Governing Body consisting of the Director-General, his four Councillors and Bursar-General who shall be elected once every six years at the General Chapter of the Society which shall be composed of the following members :—The Director-General, his four Councillors, the Bursar-General, the Master of Novices, the Local Directors of each House, and one member elected by each of the existing Houses of the Society.

Governing Body.

The affairs of each House shall be administered by the Local Director and his two Assessors or Assessor appointed by the Director-General with the consent of his Councillors.

(b) The first members of the Governing Body shall be :—

- (1) Rev. Brother E. I. Chrysostom, Director-General.
- (2) Rev. Brother S. M. Benjamin, First Councillor.
- (3) Rev. Brother P. Anthonipillai, Second Councillor.
- (4) Rev. Brother A. K. Joseph Mary, Third Councillor.
- (5) Rev. Brother N. Gnanathickam, Fourth Councillor.
- (6) Rev. Brother S. Aseervatham, Bursar-General.
- (7) Rev. Brother P. Ignatius, Novice-Master.

5. (1) It shall be lawful for the General Chapter or an extraordinary General Chapter at any of its meetings held after due notice by a majority of votes of the members present and voting at such meetings to make rules, not inconsistent with the Canon Law :—

Rules.

- (a) for the admission, withdrawal or expulsion of members ;
- (b) for the conduct of the duties of the Governing Body and of the administration of the various Houses, Office-bearers and other members of the Society ;
- (c) for the procedure in the transaction of business ;
- (d) for the nomination of the local Directors and other officers of the various Houses ; and
- (e) otherwise generally for the management of the affairs of the Society and the accomplishment of its objects.

(2) Any changes, additions or alterations in the rules made by the Governing Body will be effective only till the next General Chapter which shall either ratify or rescind such alterations or additions.

(3) All members of the Society shall be subject to all rules made under this Ordinance.

6. On the coming into operation of the Ordinance, all and every property belonging to the Society of the Ceylonese Brothers of St. Joseph, or in the name or names of any person or persons in trust for the Society, shall be, and the same are hereby vested in the Society and shall be held by the Society in its corporate name, and the same together with all property hereafter to be acquired by the Society, both movable and immovable and all contributions, donations, amounts of loans, and advances received or to be received, shall be held by the Society for the purpose of this Ordinance, subject to any trusts under which such property may have been received.

Property vested in the Society.

7. All debts and liabilities of the said Society of the Ceylonese Brothers of St. Joseph which were in existence before the coming into operation of this Ordinance, shall be paid by the Society, and all debts due to and contributions payable to the said Society of the Ceylonese Brothers of St. Joseph shall be paid to the Society for the purposes of this Ordinance.

Debts, &c., due by and payable to the Society.

- Seal. 8. The seal of the Society shall not be affixed to any instrument whatsoever, except in the presence of three members of the Governing Body of the Society, of whom one shall be the Director-General, who shall sign their names to the instrument in token of their presence, and such signature shall be independent of the signing of any person as a witness.
- Society may hold property movable and immovable. 9. The Society shall be able and capable in law to take and hold any property, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Society for the purpose of this Ordinance and subject to any rules made thereunder with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.
- Application of the funds of the Society. 10. The income and property of the Society whencesoever derived shall be applied solely towards the promotion of the objects of the Society as set forth in this Ordinance.
- Decision of disputes, &c., as to principles or policy. 11. Except so far as is provided in this Ordinance or in any rules made thereunder, any dispute or doubt as to any matter or question affecting or relating to the principles or policy of the Society shall be referred to the Governing Body of the Society whose decision thereon shall be final.
- Saving of rights of the Crown and other rights. 12. Nothing in this Ordinance shall prejudice or affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

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

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

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

H. A. C. DOBBS,
Acting Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

- L. D.—O 35/42
- Chapter 299. (Vol. VI., p. 387). **An Ordinance to amend the Tea Control 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 Tea Control (Amendment) Ordinance, No. of 1942.
- Amendment of section 25 of Chapter 299. 2. Section 25 of the Tea Control Ordinance is hereby amended, in paragraph (a) of the Proviso to that section, by the substitution for the words "made tea in any package" of the words "any quantity of made tea".

Objects and Reasons.

Under section 25 of the Tea Control Ordinance (Chapter 299) no licence is required for the exportation from Ceylon by post of made tea in a package which does not exceed one pound in weight. Thus, even where the quantity of made tea contained in a parcel is one pound or less, a licence is required to authorise the export, if the gross weight of the parcel exceeds one pound.

2. The object of this Bill is to amend section 25 of the principal Ordinance to provide that no licence shall be required where the quantity of made tea to be exported does not exceed one pound in weight, even though the package in which the tea is contained may exceed one pound in weight.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.
Colombo, 7th December, 1942.

DISTRICT AND MINOR COURTS NOTICES.**Circuit Courts, Ratnapura District.**

NOTICE is hereby given that the Circuit Courts at Balangoda and Rakwana will be held by me on the dates given below :—

(The dates are subject to alteration.)

1943.	Balangoda	Rakwana.
January ..	8, 9 and 22, 23	15 and 29
February ..	5, 6 and 19, 20	12 and 26
March ..	5, 6 and 20	12 and 26
April ..	2, 3 and 16, 17	9 and 30
May ..	7, 8 and 21, 22	14 and 28
June ..	4, 5 and 18, 19	11 and 25

VICTOR EMMANUEL RAJAKARIER,
Magistrate and Commissioner of Requests
Magistrate's Court,
Ratnapura, November 30, 1942.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,646. In the matter of the insolvency of Titus W. Perera of Nugegoda, 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 January 15, 1943, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL
Secretary.

December 4, 1942.

NOTICES OF FISCALS' SALES.**Western Province.**

In the District Court of Kalutara.

Singappuli Arachchige Don James Wijesundara of Paayagala Plaintiff.

No. 19,890. Vs.

Singappuli Arachchige Don James Wijesundara, (18) Richard Anthony de Silva Thanapathy of Paayagala Judgment-Debtors.

NOTICE is hereby given that on Saturday, January 16, 1943, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff and 18th defendant in the following property for the recovery of Rs. 140.25, viz. :—

The soil and everything standing thereon on lot No. 10 of the land called Galagawaowita alias Babanageudumulla, situated at Metiyalamulla in Paayagala of Paayagala padda in Kalutara totamune in the District of Kalutara, Western Province, and bounded on the north by Adikariyapaulaowita, east by Godakelewatta, south by lots 8 and 9 of this land, and on the west by Godakele and Kurunduwatta; containing in extent 3 acres 3 roods and 2 perches belonging to the plaintiff.

2. The soil and everything standing thereon on lot No. 14 of the land called Galagawaowita alias Babanageudumulla situated as aforesaid; and bounded on the north by lot No. 7 of the same land, east by Waulugalahenewatta, south by owita, and on the west by lots Nos. 6, 5, 4, 3 and 2 of the same land; containing in extent 1 acre 3 roods and 32 perches belonging to the 18th defendant.

Deputy Fiscal's Office,
Kalutara, December 7, 1942.

P. D. WEERAMAN,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

The Mercantile Bank of India, Limited Plaintiff.
No. M. R. 792. Vs.

(1) M. R. M. A. Raman Chettiar of 375, Nuvvata Ehiya road, Pussellawa, (2) V. P. L. V. V. Vallabhappa Chettiar of 3, Ambegamuwa road, Gampola Defendants.

NOTICE is hereby given that on Saturday, January 16, 1943, commencing at 12 noon, will be sold by public auction at the respective premises the right, title, and interest, if any, of the 2nd defendant in the following property, for the recovery of the sum of Rs. 4,995.28 with interest thereon at the rate of 8 per cent. per annum from May 27, 1941, till January 29, 1942, and thereafter with legal interest on the aggregate amount till payment in full with costs of suit, and poundage, viz. :—

1. All that estate called Hapugastenna estate together with the buildings and everything standing thereon of the extent of 77 acres 2 roods and 35 perches (excluding a portion of land reserved for Railway purposes), situate at Nawalapitiya in Pasbage korale of Uda-Bulatgama in the District of Kandy, Central Province, of the Island of Ceylon; and bounded on the east by Mahaweli-ganga, lands claimed by villagers and paddy fields, south-east by Mahaweli-ganga, south by road from Nawalapitiya to Kandy, lands claimed by villagers and paddy fields, west and south-west by Tilton Group, and north by the rocks, Crown land and lands claimed by villagers, Glaincarn Group and Dimiangalahena (subject to a mortgage for Rs. 44,250 created by bond No. 154 dated November 14, 1938, attested by Mr. E. A. H. Ebert, Notary Public, and a lease for a term of 20 years from April 2, 1943, created by indenture No. 4,069 dated April 2, 1941, attested by Mr. M. W. R. de Silva, Notary Public). Registered Kandy L 46/211.

2. All that middle portion of the land called Badahalayakumbura, situate at Naranwita in Kandukarapahala korale of Udapalata in the District of Kandy aforesaid, containing in extent 4½ lahas

paddy sowing; and bounded on the east by Getanekumbura and Godabima, south by the boundary of the portion of this field sold to Hadjar, west by Mahagodakumbura, and north by the remaining portion of this land together with everything thereon. Registered Kandy D 102/147.

3. All that divided one-fourth share of the land called Tibbotuwatta alias Talapagodahena, situate at Bowatura in Ganga Ihala korale, Udapalata aforesaid; which said portion contains in extent 2 polas paddy sowing and is bounded on the east by the remaining portions, south by Talapagodahena, west by Tibbotuwatta and ditch and north by Katahakara-oya, together with everything standing thereon. Registered Kandy D 120/138.

4. All that land called Talappagodawatta, situate at Walahagoda in Ganga Ihala korale aforesaid; containing in extent 8 kurumos paddy sowing; and bounded on the east by the ditch of the garden of Neketgodora, south by the remaining portion of Ukkuwa's garden, west by the fence and ditch, and north by the fence of the garden belonging to Neketgodora together with everything standing thereon. Registered D 120/216.

Valuation Rs. 62,325.

Fiscal's Office,
Kandy, December 7, 1942.

CHARLES DE SILVA,
Deputy Fiscal.

Southern Province.

In the District Court of Matara.

George Abeywardane Gunasekera of Woliwe in Morawak korale, Matara District Plaintiff.

No. 14,215. Vs.

(1) Happpawana Withanage Ceciliyana Hamme and husband, both of Kotapola Defendants.

NOTICE is hereby given that on Friday, January 8, 1943, commencing at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of a sum of Rs. 451.47, viz. :—

All that and those the undivided ¼ with fruit trees and everything thereof and the 13-cubit tiled house built thereon by the obligor thereof and whose title is not complete and the 9-cubit kitchen and all other buildings belonging thereto (exclusive of 1 rood) out of an undivided ½ part of the soil and of the remaining paraveni fruit trees and the planter's half share of the plantation made thereon by Baddowatte Singarakkarage Carolisa (exclusive of the old plantation) of the land called Malkekunahena comprised of six contiguous lots, situate at Kotapola in Palle pattu of Morawak korale, Matara District, Southern Province, and bounded on the north-east by Crown land, east by land appearing in plan No. 93,540, south and west by road, and north-west by agala; and containing in extent 3 acres 2 roods and 28 perches.

Deputy Fiscal's Office,
Matara, December 8, 1942.

H. V. F. ABAYAKOON,
Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna, held at Point Pedro

Namasivayam Gopalu of Point Pedro Plaintiff.

No. 49/P. Vs.

Nagalinga Mudaliyar Theivappillai of Point Pedro, as executor of the last will of the late Nagalinga Mudaliyar Krishnappillai of Point Pedro Defendant.

NOTICE is hereby given that on Saturday, January 23, 1943, at 10 o'clock in the forenoon, will be sold by public auction at the Jaffna Customs premises the undermentioned movable properties belonging to the defendant, for the recovery of the sum of Rs. 4,810 with interest on Rs. 4,000 at 9 per cent. per annum from February 17, 1938, till March 12, 1938, and thereafter on the aggregate amount at the rate of 9 per cent. per annum from March 12, 1938, until payment in full and poundage and charges, viz. :—

1. A sailing vessel bearing No. 153,614, name "Siiththivnayaga Meenachy Thevi", and weight 259 tons and 47 qrs.
2. Four anchors with two anchor chains (50 fathoms) and one rope (40 fathoms).
3. Complete running accessories of the vessel.
4. One jolly boat.
5. Two iron water tanks.
6. Nine wooden drums.
7. One brass vessel.
8. Two Mariner's Compasses
9. Three signal lamps, one green, one red and one plain.

Fiscal's Office,
Jaffna, December 8, 1942.

A. C. NALLIAH,
for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

E. L. M. E. Mohamed Ibrahim of Kattankudy Plaintiff.

No. 110 (Miscellaneous). Vs.

(1) Sepu Mohidin Maracai Kadisuummah, (2) Adam Abdul-carem Hadjar Mohamad Pattummah, (3) Abdul Majeed Asiummah, minor by her guardian ad litem the 1st defendant above named, all of Kattankudy Defendants.

NOTICE is hereby given that on Thursday, January 7, 1943, commencing at 11 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants

in the following property for the recovery of the sum of Rs. 540.43 with legal interest thereon at 9 per cent per annum from February 20, 1941, till payment in full, costs Rs. 238.15, poundage and other charges, viz. —

An undivided half share of a land composed of lots Nos. 3725, 3726, 3727, 3728, 3729, and 3730, situated at Ulunthanai in Eravur pattu, Batticaloa District, Eastern Province, and bounded on the north by the property of Aboobakker, south by the property of Aboobakker and others, east by the property of Hayathulebbepody, and west by Aru, in extent 53 acres 2 roods and 18 perches and of all rights.

This property has also been seized under District Court, Batticaloa, case No. 317M.

Fiscal's Office,
Batticaloa, December 3, 1942.

V. SUPPRAMANIAM,
for Fiscal

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Dambura
Jurisdiction. Lyanage Lawrence Wijeratne of Colombo,
No. 10,237 deceased.

Juliet Wijeratne presently of 218, Welivonyia, Gam-
paha Petitioner.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 6, 1942, in the presence of Mr. M. St. B. Cassie Chetty, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated November 5, 1942, having been read:

It is ordered 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 any person or persons interested shall, on or before January 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Mututan-
Jurisdiction. tribastange Piyasena Fernando of Morawmma
No. 10,246 in Panadure, deceased.

Miguelmadage Agnes Maria Fernando of Morawmma in
Panadure Petitioner.

And

(1) Mututantribastange Selsy Somalatha Fernando, (2) Mutu-
tribastange Somadasa Chandrasiri Fernando, (3) Mutu-
tribastange Premadasa Kulasinge Fernando, and
(4) Mututantribastange Solomon Fernando; 1st to 3rd re-
spondents are minors appearing by their guardian *ad litem* the
4th respondent, all of Morawmma, Panadure Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 16, 1942, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated October 27, 1942, having been read:

It is ordered that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, and 3rd 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 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 January 28, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 18, 1942

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Annasamy Sankar Iyer of Colombo in the
No. 10,252 Island of Ceylon, deceased.

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on November 16, 1942, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioners, Sankar Iyer Mahadevan and Sankar Iyer Narasimhan, both of Colombo; and the affidavit of the said petitioners dated November 16, 1942, an affidavit as to the due execution of the will, original will and certificate of death of the above-named deceased, having been read: It is ordered that the will of the said deceased, dated May 4, 1939, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said petitioners are the executors named in the said will and that they are entitled to have probate of the said will issued to them on their paying estate duty and taking oath of office.

November 27, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Pathirage
Jurisdiction. Nonohamy, deceased, of Kumbuke.
No. 3,061

Illeperumaachchige Haramanis Perera of Undurugoda in
Salpitu Korale Petitioner.

(1) Don Amelis Dias Ponnapeyuma Gunasekara of Kumbuke,
(2) Dona Ethulawathie Dias Ponnapeyuma Gunasekara of
Undurugoda Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge, Kalutara, on November 5, 1942, in the presence of Mr. D. E. de Silva, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated October 26, 1942, together with the last will No. 11,880 of January 29, 1941, and the affidavit of the notary and witnesses dated October 26, 1942, filed of record having been read:

It is ordered that the will of Pathirage Nonohamy of Kumbuke, deceased, dated January 29, 1941, and numbered 11,880 which is filed of record in this court be and the same is hereby declared proved, unless the respondents or any other person interested in the estate shall, on or before December 17, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Illeperumaachchige Haramanis Perera, petitioner, is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, and to have letters of administration, unless the respondents or others interested in the estate shall, on or before December, 17, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 5, 1942.

V. JOSEPH,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Ambalame-
Jurisdiction. godere Dingiri Ukku, deceased, of Hathugoda.
No. T 314

Ambalamagedere Ganitha of Hathugoda in Udapalata Petitioner.
And

(1) Ambalamagedere Meddumaya, (2) ditto Ukku Kolla,
(3) ditto Somarathie, (4) ditto Panchikira, (5) ditto Kiri
Menika, (6) ditto Bandula, (7) ditto Sirmathu, (8) ditto
Kiripaya, (9) ditto Sirmathu, all of Hathugoda Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on October 22, 1942, in the presence of Messrs De Silva & Karunaratne, on the part of the petitioner; and the affidavit of the said petitioner dated October 17, 1942, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the younger son of the above-named deceased issued to him, unless the respondents or any other person or persons interested shall, on or before December 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1942.

C. NAGALINGAM,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Weerasiri
Jurisdiction. Wickremasinghe Gama Aratchige Richard
No T 316. Wickromasinghe, deceased, of Katugastota
estate, Katugastota

Between

Munaweerage Dona Louisa Harnne Wickremasinghe of
Katugastota Estate, Katugastota Petitioner

And

(1) Weerasiri Wickremasinghe Gama Aratchige Lillian Wickre-
masinghe, (2) ditto Violet Wickremasinghe, (3) ditto
Charlotte Wickremasinghe, (4) ditto Harriot Wickremasinghe,
(5) ditto Gertrude Wickremasinghe, (6) J. R. Ambalavanar,
all of Katugastota estate, Katugastota Respondents

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on October 26, 1942, in the presence of Mr. V. M. Gurusamy, Proctor, on the part of the petitioner; and the affidavit of the said petitioner, dated October 26, 1942, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person or persons interested shall, on or before December 17, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 6th respondent above named be appointed guardian *ad litem* over the minors, the 1st, 2nd, 3rd, 4th, and 5th respondents above named, unless the respondents or any other person or persons interested shall, on or before December 17, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 26, 1942.

C. NAGALINGAM,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Cyril Lawronce Kale, deceased, of Galle.
No. T 317.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., Additional District Judge, Kandy, on November 5, 1942, in the presence of Mr. G. B. de Vos on the part of the petitioners, Gladys Kale and Esther Lestella Kale, both of Galle; and the affidavit of the said petitioners dated October 29, 1942, having been read:

It is ordered that the petitioners be and they are hereby declared entitled, as the widow and sister respectively of the above-named deceased, to have letters of administration to the estate of the deceased issued to them, unless the respondents—(1) Alida Druvilla Kale, and (2) Iris Rita Kale, both of Galle—or any other person or persons interested shall, on or before December 14, 1942, show sufficient cause to the satisfaction of his court to the contrary.

November 5, 1942.

T. F. C. ROBERTS,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late Hiti Bandara Wasala Ralahamillage Punchi Anna alias Punchi; Kumarihamy, deceased, of Medagama Walawwe, Medagama.
No. T 318.

Bandaranayake Rajakaruna Ratnayake Mudryanse-
ralahamillage Medagama Walawwe Tikiri Banda, Medagama
of Medagama Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Kandy, on November 6, 1942, in the presence of Messrs. Abeykoon & Dias Desinghe, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated October 26, 1942, having been read:

It is ordered that the will of the above-named deceased dated December 24, 1941, and numbered 15081' be and the same is hereby declared proved, unless any person or persons interested shall, on or before January 18, 1943, 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 any person or persons interested shall, on or before January 18, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1942.

C. NAGALINGAM,
District Judge.

In the District Court of Galle (sitting at Balapitiya).

Order Nisi.

Testy. Case. In the Matter of the Estate of the late, Hewa Wasan Sarukkalige Abaran Fernando of Amugoda, deceased.
No. B 55.

Kellapatha Vithanage Punchihamy de Silva of Amugoda Petitioner.

Vs.

(1) H. S. Hendrick Fernando, who is a lunatic and his rights also looked after by his wife, (2) Sembakutti Vidanelage Mangonona of Amugoda; (3) H. S. Gunohamy Fernando of Warapitiya; (4) H. S. John Fernando of Warapitiya; (5) ditto Cheralis Fernando of Amugoda; (6) ditto Maggona Fernando of Warapitiya; (7) ditto Purolis Fernando of Amugoda; (8) ditto Gabriel Fernando of Warapitiya; (9) ditto Martin Fernando, (10) ditto Thomas Fernando, (11) ditto Ruban Fernando, (12) ditto Seemon Fernando, (13) ditto Arthur Fernando, (14) ditto Marynna Fernando; all of Amugoda, (15) ditto John Fernando, (16) ditto Podisingho Fernando, both of Bentara; (17) ditto Podihamy of Badugoda; (18) ditto Marynna of Bodimaluwa in Bentara, (19) Nallaheva Pams Silva, (20) N. H. Essel Silva, both of Warapitiya, (21) N. H. Jossuna of Alutgama, (22) Liyanage Jalis Silva of Warapitiya Respondents.
To the above-named respondents.

THIS action coming on for disposal before A. S. Jayaratne, Esq., Additional District Judge of Galle (sitting at Balapitiya), on November 23, 1942, in the presence of Mr T. C. P. Fernando, Proctor, on the part of the petitioner; and after reading the affidavit of the said petitioner above named, it is ordered and declared that the said petitioner, the widow of the deceased above named, be entitled to have letters of administration issued to her accordingly, unless the above-named respondents shall, on or before December 17, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 28, 1942.

A. WANIGASURIYAR,
Additional District Judge.

B 2

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Ahangama Vithanage Don Hendrick Abeyewickrema Wijesekera of Ahangama, deceased.
No. 8,021.

Rufus Abeyewickrema Wijesekera of Kumbalwella in Galle Petitioner.

(1) Thorotho de Alwis Ranasinghe Gunesekera (nee) Mrs. D. H. A. Wijesekera, (2) Mrs. Beatrice Weerapperuma, (3) Mrs. Soeja Kanattigoda of Mt. Mary, Colombo, (4) Miss Nannie Abeyewickrema Wijesekera, (5) Miss Nelsie Abeyewickrema Wijesekera, (6) Lionel Abeyewickrema Wijesekera, (7) Cyril Abeyewickrema Wijesekera, all of Ahangama. Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Galle, on November 17, 1942, in the presence of Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 9, 1942, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as eldest son, to have letters of administration to his estate issued to him, unless any person or persons interested shall, on or before December 18, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 17, 1942.

M. A. SAMARAKOON,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of late Don Carolis Wijesekera Hanti Vidane Arachchi of Beralapantara.
No. 4,156.

Don Hendrick Ratnayake of Beralapantara Petitioner.

(1) Henry Wijesekera Hanti of Uruwokka, (2) Wilmat Wijesekera Hanti, (3) Harry Wijesekera Hanti, (4) Enci Wijesekera Hanti, (5) Delwathkanda Liyanage Uruuban Wijewickrama Jayawardana, all of Beralapantara; (6) Pundiyasoma Wijesekera Hanti, (7) Amitha Pemasathie ditto, (8) Eva Beatrice ditto, (9) Kalkyanawathie Ratnayake, (10) Karunawathie Ratnayake, (11) Dannie Ratnayake, (12) Charlotte Ratnayake, (13) Nandawathie Ratnayake, all of Beralapantara Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., District Judge of Matara, on September 30, 1942, in the presence of Mr. E. Dissanayake, Proctor, on the part of the petitioner above named; and the affidavit of the above-named petitioner dated August 31, 1942, having been read:

It is ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the 6th to 8th respondents, minors, and the 3rd respondent be and he is hereby appointed guardian *ad litem* over the 10th to 13th minor respondents, for all the purposes of this action and that the above-named petitioner be and he is hereby declared entitled, as the son-in-law of the above-named deceased, to have letters of administration to the above-named estate issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before November 9, 1942, show sufficient cause to the satisfaction of this court to the contrary.

Extended for December 14, 1942.

V. E. RAJAKARIER,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Veluppillai Thambippillai of Tellippalai East, late of Kandy, deceased.
No. 54.

Kathirippillai Sundaramoorthy of Tellippalai East Petitioner.

(1) Thambippillai Kathirkamasagarani, (2) Thambippillai Balasubramaniam, (3) Thambippillai Thamikanathan, (4) Thambippillai Somanathan, minors, and (5) Kamalanayagi, widow of Thambippillai, all of Tellippalai East Respondents.

THIS matter coming on for disposal before G. C. Thambayah, Esq., District Judge, Jaffna, on November 18, 1942, in the presence of Messrs. Thambay & Sithambaranathan, Proctors, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 5th respondent be appointed guardian *ad litem* over the minors, the above-named 1st to 4th respondents, for the purpose of representing them in this action and that the petitioner be declared entitled to letters of administration to the estate of the above-named deceased and that the same be issued to him accordingly, unless the above-named respondents or any other person shall, on or before December 17, 1942, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the above-named 5th respondent do produce the minors, the above-named 1st to 4th respondents, in court on the said date.

November 18, 1942.

G. C. THAMBYAH,
District Judge.

In the District Court of Jaffna.
Order Nisi.

Testamentary Jurisdiction, No. 57, In the Matter of the Estate of the late Theivanai-pillai, wife of Kathiravelu Ramasamy of Vaddukoddai West, deceased.
Kathiravelu Ramasamy of Vaddukoddai West, Petitioner.

(Vs)
(1) Ramasamy Rajendram, (2) Puyaneswari, daughter of Ramasamy, (3) Ramasamy Kulasegaram, (4) Ramasamy Vijayandram, (5) Puyaneswari, daughter of Ramasamy, (6) Annalechumy, daughter of Ramasamy, (7) Ponnala, daughter of Ramasamy, (8) Ramasamy Thuraijagan and (9) Basammah, widow of Sabathipillai Kumarguru, all of Vaddukoddai West Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before G. C. Thambyah, Esq., District Judge,

Jaffna, on November 14, 1942, in the presence of Mr. S. Kandasamy, Proctor for petitioner; and the affidavit and petition of the petitioner having been read :

It is ordered that the above-named 9th respondent be appointed guardian *ad litem* over the minors, 1st to 8th respondents, and that the petitioner, as husband of the deceased, be declared entitled to have letters of administration to the estate of the said deceased and that letters of administration be issued to him accordingly, unless the respondents shall appear before this court on December 21, 1942, and show sufficient cause to the satisfaction of his court to the contrary. It is further ordered that the petitioner do produce the said minors on the said date.

November 14, 1942.

G. C. THAMBYAH,
District Judge.