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PART II.—LEGAL.

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

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PASSED ORDINANCES

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

No. 40 of 1943.

L D—O 18/43

An Ordinance to amend the Wages Boards Ordinance, No. 27 of 1941.

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 Wages Boards (Amendment) Ordinance, No 40 of 1943 Short title

2. Section 2 of the Wages Boards Ordinance, No 27 of 1941, (hereinafter referred to as "the principal Ordinance"), is hereby amended, in paragraph (a) of that section, as follows — Amendment of section 2 of Ordinance No 27 of 1941

(1) by the substitution, in the first Proviso to that paragraph, for the words "shall not exceed one half of the wages due", of the following —

"shall not exceed—

- (i) seventy-five per centum of the wages due, in the case of a worker in any trade specified by the Minister for the purposes of this paragraph by Notification published in the *Gazette*, and
- (ii) fifty per centum of the wages due, in the case of a worker employed in any other trade",

(2) by the substitution, for all the words from "In this paragraph" to the end of that paragraph, of the following —

'In this paragraph "authorised deduction" means a deduction made in the prescribed manner in respect of—

- (i) any advance of wages not already earned, made by the employer to the worker in such circumstances as may be prescribed, or
- (ii) any such other matter as may be prescribed'

3 Section 6 of the principal Ordinance is hereby amended in sub-section (1), by the addition of the following at the end of that sub-section —

"The power conferred by the preceding provisions of this sub-section shall be deemed to include the power to

Amendment of section 6 of the principal Ordinance

make from time to time an amending order for the purpose of varying in any manner the description of any trade specified in any earlier order ”

Amendment of section 9 of the principal Ordinance

4. Section 9 of the principal Ordinance is hereby amended as follows —

- (1) in sub-section (1), by the substitution for the words “engaged in such trade” of the words “engaged in such trade, and of nominated members”,
- (2) in sub-section (7), by the substitution, for the words “The Minister may, at any time and for such period as he may determine, appoint” of the words “The Minister shall appoint”

Amendment of section 11 of the principal Ordinance.

5. Section 11 of the principal Ordinance is hereby amended as follows —

(1) in sub section (1)—

- (a) by the substitution, in paragraph (a) of that sub-section, for all the words from “and, where there are any nominated members”, to the end of that paragraph, of the words “and at least one nominated member also, must be present, and”,
- (b) by the substitution, in paragraph (b) of that sub-section, for the words “must be present, and”, of the words “must be present”,
- (c) by the omission of paragraph (c) of that sub-section,

(2) by the substitution, for sub section (2) of that section, of the following —

“(2) Where in the attendance of members for the purpose of holding any meeting of a Wages Board, the number of members representing employers is greater or less than the number of members representing workers, the members representing employers or the members representing workers, whichever are in the majority, shall, before the meeting commences, choose from among themselves the member or members who shall refrain from voting at that meeting in order to ensure that the number of members representing employers who shall be entitled to vote at that meeting, and the number of members representing workers who shall be so entitled shall be equal

Provided, however, that where the representative members who are in the majority are unable to agree among themselves as to which of them shall so refrain from voting, the member or members who shall refrain from voting at that meeting shall be chosen by lot to be drawn in the presence and under the directions of the Chairman”, and

(3) by the insertion, immediately after the new sub-section (2) of that section, of the following —

“(2A) A representative member of a Wages Board who has been chosen in accordance with the provisions of sub section (2) to refrain from voting at any meeting of a Wages Board shall not be entitled to vote at that meeting but shall be entitled to be present and to participate in any discussion at that meeting”

Amendment of section 12 of the principal Ordinance

6. Section 12 of the principal Ordinance is hereby amended, in sub-section (1) of that section, by the substitution for all the words from “Every representative member” to the words “specified in his appointment” of the words “Every member of a Wages Board shall hold office for a period of three years from the date of his appointment”

Replacement of section 20 of the principal Ordinance

7 Section 20 of the principal Ordinance is hereby repealed and the following new section is substituted therefor —

Minimum rates of wages

20 (1) In respect of the trade for which it is established, every Wages Board shall, subject to the provisions of sub-section (3), determine a minimum rate of wages for time work (hereinafter referred to as “a general minimum time-rate”) and may also determine all or any one or more of the following rates of wages —

- (a) a minimum rate of wages for piece work (hereinafter referred to as “a general minimum piece-rate”),
- (b) a minimum time-rate to apply in the case of workers employed on piece work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis (hereinafter referred to as “a guaranteed time-rate”),

(c) a minimum rate (whether a time-rate or a piece rate), to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by workers (hereinafter referred to as "an overtime rate")

(2) (a) Any minimum rate of wages determined in any decision of a Wages Board under sub section (1) in respect of any trade may consist of—

(i) a basic rate, and

(ii) a special allowance at a rate to be adjusted, at such intervals and in such manner as the Wages Board may in such decision direct, to accord as nearly as practicable with the variation in the cost of living index-number applicable to workers in that trade

Provided, however, that a Wages Board may, in the decision by which the rate is determined, fix the minimum variation in such index-number upon which any such adjustment shall have effect

(b) A Wages Board may, in any decision by which a minimum rate is determined, direct that the special allowance referred to in paragraph (a) shall be computed by the Controller at such intervals as may be specified, and in accordance with such directions as may be given, by the Board in the decision, and in every such case the Controller shall compute such special allowance in accordance with such directions and shall publish it by notification in the *Gazette* at the intervals so specified

(c) The minimum rate of wages applicable in the case of any trade at any time shall be the aggregate of the basic rate referred to in paragraph (a) (i) and of the special allowance referred to in paragraph (a) (ii), in force at that time, or, where the Controller has notified such allowance under paragraph (b), the aggregate of such basic rate and of the special allowance as so notified, in force at that time

(d) In this sub-section—

"competent authority" means the authority appointed by the Minister, by notification published in the *Gazette*, to ascertain from time to time the cost of living index-number applicable to the workers employed in the trade specified in such notification, "cost of living index number", in relation to the workers in any trade, means the index-number ascertained and declared by notification in the *Gazette* by the competent authority to be the cost of living index-number applicable to workers in that trade

(3) Where a Wages Board is in any case unable, before the expiry of a period of six months from the date on which that Board is established to determine a general minimum time-rate as required by sub section (1), the Board shall report the fact to the Minister, and the Minister may, so far as respects that case, exempt that Board from determining such rate, and make an order under section 29A

8. The following new section is hereby inserted immediately after section 26 of the principal Ordinance and shall have effect as section 26A of that Ordinance —

Insertion of new section 26A in the principal Ordinance

26A. (1) Before a decision of a Wages Board is signed and dated by the Chairman in accordance with the provisions of section 27, the Wages Board shall cause the proposed decision to be published in the *Gazette* and in one Sinhalese, one Tamil and one English newspaper, together with a notice specifying a date on or before which objections to the proposed decision will be received by the Board

Publication of proposed decisions by Wages Boards

(2) Every objection preferred in consequence of a notice under sub-section (1) shall be made in writing and shall contain a statement of the grounds upon which objection is taken to the proposed decision

(3) The Wages Board shall consider all objections made to a proposed decision in consequence of a notice under sub-section (1) before action on that decision is taken under section 27

9. Section 27 of the principal Ordinance is hereby amended in sub-section (3), by the substitution for the words "notification of the approval of every such decision shall be published in the *Gazette*" of the words "Every decision which has been approved by the Minister shall, together with a notification of such approval, be published in the *Gazette* and in one Sinhalese, one Tamil and one English newspaper

Amendment of section 27 of the principal Ordinance

Insertion of new section 29A in the principal Ordinance

10. The following new section is hereby inserted immediately after section 29 of the principal Ordinance, and shall have effect as section 29A of that Ordinance —

Determination of General Minimum Time-rate by Controller

Determination of general minimum time rate by Controller in certain cases

29A (1) Where it appears to the Minister—

- (a) that a Wages Board cannot be established for any trade, whether by reason of the refusal of any persons to accept appointment as representative or nominated members of that Board or by reason of the failure of any trade union, association or organisation to approve the appointment of any person as a representative member of that Board, or for any other reason, or
- (b) that the Wages Board established for any trade has for any reason not determined a general minimum time rate in any case, before the expiry of a period of six months from the date on which that Board is established (whether such Board has or has not made a report in the case under section 20 (3))—

the Minister may, by order published in the *Gazette*, authorise the Controller to determine a general minimum time-rate for workers in that trade

(2) Upon the publication in the *Gazette* of an order under sub-section (1), the Controller shall proceed to determine a general minimum time-rate for workers in the trade specified in the notification and shall for such purpose have the same powers as a Wages Board established for that trade

(3) The provisions of sections 26, 26A and 27 of this Ordinance shall, *mutatis mutandis*, apply to every determination by the Controller under this section, and when any such determination has come into force under the provisions of section 27 as so applied, it shall be deemed for all the purposes of this Ordinance to be a determination duly made by the Wages Board

Replacement of section 37 of the principal Ordinance

11. Section 37 of the principal Ordinance is hereby repealed and the following new section is substituted therefor —

Exhibition of notices by employers

37 Every person engaged in any trade for which a Wages Board is established shall keep exhibited, in such place and in such manner as may be prescribed, a notice setting out the latest decisions of the Wages Board relating to that trade together with particulars of such other matters as may be prescribed

Amendment of section 50 of the principal Ordinance

12. Section 50 of the principal Ordinance is hereby amended, in sub section (1), by the substitution, in paragraph (b), for the words "a worker employed therein" of the words "an employer or a worker engaged or employed in any trade carried on in such premises or place"

Passed in Council the Twenty sixth day of August, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Twentyninth day of October, One thousand Nine hundred and Forty-three

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. 41 of 1943.

L D—O 18/43

Chapter 112.
(Vol III,
page 337)

An Ordinance to amend the Estate Labour (Indian) Ordinance.

A CALDECOTT

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

Short title

1. This Ordinance may be cited as the Estate Labour (Indian) Amendment Ordinance, No 41 of 1943

Amendment of section 5 of Chapter 112

2. Section 5 of the Estate Labour (Indian) Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended, by the substitution, for the words "an advance of money from the employer," of the words "from

the employer any advance of wages in respect of which the employer is authorised, by or under the provisions of any other written law, to make a deduction from the wages of the labourer.”

3 Section 6 of the principal Ordinance is hereby amended in sub-section (4) thereof, by the substitution, for all the words from “ shall be debited ” to the end of that sub-section, of the following —

Amendment of section 6 of the principal Ordinance

“ shall be debited, in accordance with the provisions of any other written law in force in that behalf, with any deduction authorised to be made from his wages by or under the provisions of such other law ”

4 Section 12 of the principal Ordinance is hereby amended, by the substitution, for all the words from “ any sum of money ” to the words “ by or under the provisions of any written law other than this Ordinance ”, of the words “ any deduction authorised to be made by or under the provisions of any other written law from the wages for which the labourer or labourers may be sung ”

Amendment of section 12 of the principal Ordinance

5 Schedule A to the principal Ordinance is hereby amended in paragraph 3 of the Rules and Orders set out therein, by the substitution, for all the words from “ take into account ” to the words “ such advances and deductions ”, of the following —

Amendment of Schedule A to the principal Ordinance

“ take into account any deductions authorised to be made by or under the provisions of any other written law from the wages of the plaintiff or each of the plaintiffs and shall apply the amount of such deductions ”

Passed in Council the Twenty-second day of September, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Twenty-ninth day of October, One thousand Nine hundred and Forty-three

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 32/43—M/L A—D T 38/10

An Ordinance to amend the Omnibus Service Licensing Ordinance, No 47 of 1942

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 Omnibus Service Licensing (Amendment) Ordinance, No of 1943

Short title

2 The First Schedule to the Omnibus Service Licensing Ordinance, No 47 of 1942, (hereinafter referred to as “ the principal Ordinance ”), is hereby amended in paragraph 2 (a) thereof, by the substitution, for the words “ authorising the use of an omnibus on that route or on a route which is substantially the same as that route,” of the following —

Amendment or First Schedule to Ordinance No 47 of 1942

“ for an omnibus in respect of a route which comprised or included the same highways or substantially the same highways as those covered by the route for which the road service licence is to be issued,”

3 The provisions of paragraph 2 of the First Schedule to the principal Ordinance shall be deemed to have had effect on and after the twenty-seventh day of October, 1942, (being the date of the commencement of the principal Ordinance), and shall have effect, as though that paragraph had on that day been amended in the manner provided by section 2 of this Ordinance

Amendment made by section 2 to have retrospective effect

Objects and Reasons

Paragraph 1 of the First Schedule to the Omnibus Service Licensing Ordinance, No 47 of 1942, provides, *inter alia*, that where two or more applications are made, for road service licences in respect of the same route, the Commissioner shall give preference to an application from a person who represents the holders of the majority of the licences under the Motor Car Ordinance, No 45 of 1938, “ authorising the use of omnibuses on such route or on a route substantially the same as such route ”

The words referred to above were interpreted by the Supreme Court in a case stated for the opinion of that Court under the provisions of the principal Ordinance, and the effect of the interpretation is that the words only include licences authorising the use of omnibuses on highways between the termini of the route in question, and not licences which, in addition, authorise the use of omnibuses beyond either or both of such termini.

2 Paragraph 2 of the First Schedule to the principal Ordinance, which deals with the payment of compensation by a successful applicant to the owners of displaced omnibuses, also refers to the necessity of securing compensation to the holders of licences authorising the use of an omnibus on the route for which the application is made, or on a route which is substantially the same.

The object of this paragraph was to provide that, where a road service licence in respect of any route is granted to an applicant, compensation should be paid to every person who was the holder of a licence authorising the use of an omnibus on that route or on a route substantially the same as that route, whether or not the licence authorised the use of that omnibus beyond either or both of the termini of that route. This object would be defeated if the interpretation given by the Supreme Court to the words occurring in paragraph 1 were applied to the same words occurring in paragraph 2.

This Bill will accordingly amend paragraph 2 of the First Schedule in such manner as to make it clear beyond doubt that the owner of a displaced omnibus, who does not join or sell his interests to the company or individual who obtains the road service licence, must receive compensation if his omnibus licence was in respect of a route which comprised or included the same highways or substantially the same highways as those covered by the route for which the road service licence is granted to the successful applicant.

It is necessary, in order to secure the payment of compensation in all appropriate cases, that the amendment of paragraph 2 of the First Schedule should have retrospective effect from the date of the commencement of the principal Ordinance.

S W R D BANDARANAIKE,
Minister for Local Administration

Colombo, 3rd November, 1943

NOTIFICATIONS OF CRIMINAL SESSIONS

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Central Province will be holden at the court-house at Kandy on Wednesday, December 1, 1943, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Kandy, November 2, 1943

E T DYSON,
Fiscal

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Kurunegala will be holden at the court house at Kandy on Wednesday, December 1, 1943, 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, November 2, 1943

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 Wednesday, December 1, 1943, 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, 1943

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 Badulla will be holden at the court house at Kandy, on Wednesday, December 1, 1943, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Badulla, November 2, 1943

P M ANDRADO,
for Fiscal.

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Kegalla, will be holden at the court house at Kandy, on Wednesday, December 1, 1943, 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,
Ratanapura, November 2, 1943

E R SUDBURY,
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 Documents Ordinance (Chapter 336, Volume VI, of the Legislative Enactments of Ceylon) that the Criminal Case Records of this Court and of the description given below will be destroyed on February 5, 1944.

Description of Case Records

- 1 Series beginning with No 18,000 to 22,299 covering the period from 1925 to 1928
- 2 Series beginning with No 2,500 to 4,499 covering the period of 1938

Magistrate's Court,
Dandaganuwa, November 1, 1943

PERCYA SENARATNE,
Magistrate

NOTICES OF INSOLVENCY.

In the District Court of Kandy
No I 107 In the matter of the insolvency of S Kandiah of 426, Peradeniya road, Kandy

NOTICE is hereby given that a meeting of the creditors of the above named insolvent will take place at the sitting of this court on November 30, 1943, to consider the granting of a certificate of conformity to the above named insolvent.

October 27, 1943

By order of court, T J M FERNANDO,
Secretary

In the District Court of Kandy

No I 109 In the matter of the insolvency of Adambarage Walter de Alwis of Silverlane Bus Company, Limited, Kandy

NOTICE is hereby given that a meeting of the creditors of the above named insolvent will take place at the sitting of this court on November 30, 1943, for the purpose of examination and 2nd sitting in the above case

By order of court, T J M FERNANDO,
Secretary

November 1, 1943

In the District Court of Kandy

No I 111 In the matter of the insolvency of Namasiyayam Chinna George of Nagolla, Matara

NOTICE is hereby given that a meeting of the creditors of the above named insolvent will take place at the sitting of this court on November 30, 1943, for the purpose of 2nd sitting and examination of the above named insolvent

By order of court, T J M FERNANDO,
Secretary

October 27, 1943

NOTICES OF FISCALS' SALES

Western Province

In the District Court of Colombo

In the matter of the estate of Sir Christoffel Obeyesekere, deceased

No 3,866 Testy And

In the matter of an application under section 729 of the Civil Procedure Code Ordinance, No 2 of 1889

The Public Trustee of Ceylon, Administrator (with copies of the last will and codicils annexed) of the estate of the late Sir S C Obeyesekere Petitioner

Hon Mr S W R Dias Bandaranaike of 20, Guildford Crescent, Colombo, executor of the last will and testament of Lady Dias Bandaranaike, deceased Substituted 1st Respondent

NOTICE is hereby given that on the dates and times noted below, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs 61,622, with interest thereon at 4 per cent per annum from February 29, 1936, till payment in full, less a sum of Rs 35,270 90, viz

On Monday, November 29, 1943

The right, title, interest of Lady Dias Bandaranaike, deceased, in and to the following properties, to wit

1 At 10 30 a.m.—All that field called Kumbukgahakumbura situated at Makura in Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province, and bounded on the north by the water course, east by the field belonging to P Kiribanda and others, south by the Kumbukgahakumbura belonging to P Sopia Nona and others, and on the west by the field belonging to P R Cornelis and others, containing in extent one bushel of paddy sowing.

2 At 11 a.m.—All that field called Siyambalagahakumbura situated at Makura aforesaid, and bounded on the north by the land belonging to M Punchu Appuhamy and water course, east by Madolghakumbura belonging to J A Haramanus Appuhamy, on the south by Kumbukgahakumbura of M Punchu Appuhamy, and on the west by Ketakelagahawatta of M Punchu Appuhamy, containing in extent 1 acre 2 roods and 37 perches

3 At 11 15 a.m.—All that land called Ketakelagahawatta situated at Makura aforesaid, and bounded on the north by land in T P No 171,121, east by Crown land, south by Siyambalagahawatta of Dammadassi Unnanse, and on the west by dewata road, containing in extent 1 acre and 29 perches

4 At 11 30 a.m.—All that field called Meegahakumbura situated at Makura aforesaid, bounded on the north and west by land in T P No 171,136, east and south by water course, containing in extent 1 acre and 28 perches

5 At 11 45 a.m.—All that field called Siyambalagahakumbura situated at Makura aforesaid, and bounded on the north and east by the property belonging to the temple, on the south by land in T P No 249287, on the west by land in P P No 6,336 belonging to the Crown, containing in extent 1 rood and 33 perches

6 At 12 30 p.m.—All that undivided $\frac{1}{2}$ share of the field called Totawilakumbura situated at Tennagama in the Udugaha pattu aforesaid, and bounded on the north by a portion of Weniwella estate now belonging to Messrs Peiris, on the east by a portion of Weniwella estate belonging to Messrs Peiris, on the south by a portion of Weniwella estate belonging to Messrs Peiris, and on the west by Kuda oya, containing in extent 6 acres 3 roods and 25 perches

7 At 5 p.m.—All that field called Delghakumbura situated at Eluwapitiya in Meda pattu of Siyane korale in the District of Colombo aforesaid, and bounded on the north, south, and west by land of Obeyesekere, Proctor, and on the east by muiyara of the field belonging to Nandu, widow of Kadawathpedige Batta, and others, presently muiyara where liminary posts are fixed between Delghakumbura belonging to Kadawathpedige Sawaraya, Kadawathpedige Balaya and Kadawathpedige Selenthuya, containing in extent 3 pecks of paddy sowing, held and possessed under deed No 16,876 dated December 1, 1917, attested by D H S Randunu, Notary Public

On Wednesday, December 1, 1943.

8 At 10 a.m.—Undivided $\frac{1}{2}$ share of and in all that land called Hetiyawatta situated at Embulgama in the Meda pattu of Hewagam korale in the District of Colombo aforesaid, and bounded on the north by Kolambe Attapattuwe Wijeye Wickrema Seneviratne Tennekoon Mudyansa Ralahamy's land, on the east by Kelani

river and high road leading to Hanwella, on the south by land belonging to Kurupuge Baba appu, Kurupuge Donhamy and Welikalage Don Carols Appuhamy, and on the west by Hakuruge Kiriya's land, containing in extent 1 acre and 33 perches

9 At 2 p.m.—An undivided $\frac{1}{2}$ share of the land called Wanattalanda situated at Bope in the Meda pattu of Hewagam korale aforesaid, and bounded on the east by a water course, south east by land claimed by Wijesinghe Babappu, south west by a road, north-west by reservation along the road, containing in extent 9 acres and 36 perches

Fiscal's Office,
Colombo, November 2, 1943

V ALLI RAJAH,
Deputy Fiscal

In the Court of Requests of Colombo

Don Edwim Jayamanna of Pita Kotte Plaintiff

No 90 811 Vs

James Wijeyasona of 44, Talawatugoda road, Pita Kotte Defendant

NOTICE is hereby given that on Friday, November 26, 1943, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs 220, with legal interest thereon from June 3, 1943, till payment in full and costs of suit incurred Rs 42 75, less Rs 30, viz

1 At 3 p.m.—All that divided lot B 2 of the land called Etambagahawatta situated at Talawatugoda road, Kotte, in the Palle pattu of Salpiti korale in the District of Colombo, Western Province, and lot B 2 is bounded on the north by road, east by a portion of this land, south by Hikgahakurunduwatta and a footpath, west by lot B 1 by a reservation for a road, containing in extent 3 roods and 2 54/100 perches Registered under M 442/35 Subject to deed No 3,411 of March 12, 1943, attested by H J Botenje, Notary Public

At 3 45 p.m.—An undivided 127/1600 part or share of all that lot B of the land called Etambagahawatta, situated at Pita Kotte aforesaid, and which lot B is bounded on the north by a road and by a portion of this land, east by lot A of this land, south by Hikgahakurunduwatta, a portion of this land, west by lot C of this land, containing in extent 1 acre 2 roods and 5 8/100 perches. Registered under M 441/60

Fiscal's Office,
Colombo, November 2, 1943

V ALLI RAJAH,
Deputy Fiscal

In the District Court of Colombo

A R Adaikappa and G H Wijeratna carrying on business in Colombo under the firm of Muthiah and Wijeratna Plaintiffs

No 12,185/M Vs

N D Llewelyn Shiva, Sunnyside estate, Andiambalama, Negombo Defendant

NOTICE is hereby given that on Saturday, December 4, 1943, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs 865 00, with interest thereon at 9 per cent per annum from July 19, 1940, to June 20, 1942, date of decree and thereafter with legal interest on the aggregate amount of the decree till payment in full, viz

An undivided $\frac{1}{2}$ share of all that estate plantations and premises called and known as Amptigala estate, situated at Yala in Munwattabage pattu of Raygan korale in the District of Kalutara, Western Province, and bounded on the north and north-east by Gadaporagahawatta claimed by villagers, T P No 134,317 and Adaragawatta claimed by villagers, T P No 236,787, 132,640 and 132,861, south by Kandawatta bearing T P No 138,363 belonging to K K James and others, west by T P Nos 173,776 and 173,721, containing in extent 310 acres 3 roods and 1 perch, and of the rubber plantation thereon

Deputy Fiscal's Office,
Kalutara, November 21, 1943

P D WEERAMAN,
Deputy Fiscal

Central Province

In the Court of Requests of Kandy

S Raze Mohamed Bai of Cross street, Kandy Plaintiff

No 32,736 Vs

(1) B de Alwis, (2) E de Alwis, both of Peradeniya road, Kandy Defendants

NOTICE is hereby given that on Tuesday, November 30, 1943, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs 292 30 with interest on Rs 290 05 at 9 per cent per annum from May 25, 1943, till payment in full and poundage, viz

All that divided western half share adjoining the New Peradeniya estate together with the Western half share of the mulgedera called The Nest and the entirety of the trellis work house standing on the said western portion which is of the extent of 1 acre 3 roods and 4 perches in extent out of Udugahawatta, situated at Peradeniya near the 69th milepost, near the Colombo road, Kandy, Gangawata korale, Yatinuwara, Kandy District, Central Province, and which said divided western half share is bounded on the north by C.G.R. Reservation, on the east by the limit of the eastern half share of the said land and of the eastern half share of the mulgedera called The Nest, belonging to M P Ranasinghe, on the south by the Prospect Hill estate, and on the west by the boundary of New Peradeniya estate Registered in A 58/111

Valuation Rs 2,000

Fiscal's Office,
Kandy, October 29, 1943

CHARLES DE SILVA,
Deputy Fiscal

In the District Court of Kandy

Mariju Meera Saibee son Mohamed Muttalibo, of Hunnasgiriya
Plaintiff
Vs
No 46,282

Karpar's daughter, Karsamma, personally and as legal representative of the estate of Mutu's son, Sinniah Pille, deceased, of Hunnasgiriya in Uda Dumbara
Defendant

NOTICE is hereby given that on Wednesday, December 1, 1943, commencing at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property mortgaged upon bond No 499 dated July 30, 1928, and attested by M. J. Taylor, Notary Public, and declared specially bound and executable under the decree entered in the above case for the recovery of the sum of Rs 3,625 being the amount of the principal and interest with further interest on Rs 2,500 at 12 per cent per annum from March 2, 1935, till October 22, 1935, and thereafter legal interest on the aggregate amount till payment in full and costs of suit and poundage, in terms of order of court dated July 21, 1943, viz —

(1) All that land called Gallenagawahena of about 2 acres and 3 roods in extent, situate at Nugetenna in Gampaha West korale of Uda Dumbara in the District of Kandy, Central Province, and bounded on the north by the limit of Appuharny's land and ela, east by road, south by this side of the ela of Meddumarala's land, and on the west by below the limit of Maussawewatta together with everything standing thereon. Registered F 87/163

(2) All that divided two seventh part or share towards the east of about 1 acre in extent from and out of all that land called Gallenagawahena of 3 acres and 2 roods in extent in the whole, situated at Nugetenna aforesaid, and which said eastern portion is bounded on the north by stream, Gallenawahena claimed by M. Punchurala and road, on the east by above the 3 foot road leading to Wata ketiyewatta, on the south by Gallenagawahena belonging to Pitche Thambiy, and on the west by below the remaining portion of this land (save and except the road passing through this land) Registered F 87/166

(3) An undivided half share out of an undivided two third share from and out of all that land called Parenpallagallenagawahena of 1½ acres in extent in the whole, situate at Nugetenna aforesaid, and bounded on the north by land marked in plan No 182,578, east by portion marked No 459 and land claimed by villagers, on the south by portion marked No 459, and west by road Registered F 87/163

(4) An undivided half share out of an undivided two third part or share from and out of all that land called Gallenagawahena of 2 acres and 27 perches in extent in the whole, situate at Nugetenna aforesaid, and bounded on the north by the land marked in plan No 182,579, east by land claimed by natives, on the south by stream, and on the west by road Registered F 87/165
Valuation Rs 2,100

Fiscal's Office,
Kandy, November 1, 1943

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kandy

(1) T B Ratwatta, Diyawadana Nilame and Trustee of the Dalada Mahigawala, Kandy, (2) M Seliah of Wariyapola estate, Matale
Plaintiffs
No. L 358 Vs

(1) Pūnchi Banda Madugalle of Kotuwegedera in Nagolla, (2) N Mediwaka alias C Mediwaka Kumarihamy of Mediwaka Walawwa, (3) Alfred Madugalla of Kotuwegedera, Matale, (4) Etipola alias Seelawathie Etipola
Defendants

And
(1) Chandrawathie Mediwaka Kumarihamy who is also 2nd defendant above named, (2) Alfred Madugalla of Kotuwegedera who is also the 3rd defendant above named, (3) Seelawathie Etipola Kumarihamy of Etipola who is also the 4th defendant above named and 2 others
Defendants

NOTICE is hereby given that on Saturday, November 27, 1943, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest and claim and demand of the said 2nd, 3rd, and 4th defendants in the following property for the recovery of the sum of Rs 684 96, viz., Rs 550 28 being D C taxed costs and Rs 137 18 taxed costs in the Supreme Court together aggregating the sum of Rs 737 46 less the sum of Rs 52 50 deposited as security for costs of appeal and credited to the said defendants

All that land called Udahawalawwewatta of about 15 nelles kurakkan sowing in extent, situated at Kotuwegedera in Kohonsiya pattu of Matale South in the District of Matale, Central Province, and bounded on the east by the limit of the garden belonging to Tikiri Banda, south by ditch, west by ela and ditch, and north by ela together with the tiled houses and everything standing thereon

Deputy Fiscal's Office,
Matale, November 2, 1943

H DIAS DESINGHE,
for Deputy Fiscal

Northern Province

In the District Court of Batticaloa

(1) S Kumarasamy, and (2) wife Valliammai of Batticaloa
Plaintiffs
Sivasubramaniam Kandasamy of Batticaloa Substd Plaintiff
No 7,368 Vs

K V Marakandan Mudhiyar of Batticaloa
Defendant

(1) K V M Somasundaram, (2) K V M Subramaniam, (3) K V M Manikavasagar for himself and as administrator of the estate of the late K V M Thyagarajah in Case No 453 D C, Testy, Batticaloa
Substd Defendants

NOTICE is hereby given that on Thursday, November 25, 1943, at 11 30 in the forenoon, will be sold by public auction at the

premises the right, title, and interest of the said defendants in the following property for the recovery of the balance sum of Rs 9,038, with legal interest thereon from May 21, 1932, till payment in full and costs, less Rs 6,182 90 and poundage and charges, viz —

An undivided half share of a piece of land situated at Sanguvely in Uduvil Parish, Valikamam North division of the Jaffna District, Northern Province, called Vadalythoddam in extent 87 lachams varagu culture with palmyras, iluppai trees, margosa trees and well, and bounded on the east by the properties of Sinnakkuddy Karthigesu and Veku Sinnathamby, and lane, north by the properties of Karthigesu Arumugam, and Sinnappillai, wife of Murugesu, west by lane, and south by road

Fiscal's Office,
Jaffna, November 2, 1943

P THAMBAIAH,
for Fiscal

In the District Court of Jaffna

In the matter of the estate of the late Sellammah wife of Thambiah Vaathilingam of Vannarponnai East, deceased
Thambiah Vaathilingam of Vannarponnai East Administrator
No 5,474/A Vs

Nagamattu widow of Sithampapillai Velupillai of ditto

NOTICE is hereby given that on Thursday, December 2, 1943, at 11 30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said deceased, Sellammah, in the following property for the recovery of the sum of Rs 106 20 being stamp duty, and poundage and charges, viz —

An undivided half share with its appurtenances out of a piece of land situated at Vannarponnai East in Vannarponnai parish, Jaffna Division of the Jaffna District, Northern Province, called Kakkavalavaru, in extent 6½ lachams varagu culture with stone built house, well and cultivated and spontaneous plantations, and bounded on the east by the property of the heirs of Reththnam, wife of Ponniah, north by the property of the heirs of Savuntharam wife of Sinnah, west by the property of Rasammah, wife of Thambipillai, and south by road

Fiscal's Office,
Jaffna, November 2, 1943

P THAMBAIAH,
for Fiscal

In the District Court of Jaffna

Murugesu Rasentharam alias Chelliah of Vannarponnai East
Plaintiff
No 15,890 Vs

(2) Nagamattu Sinnarasa of Vannarponnai East, a minor, appearing by his guardian *ad litem* Sinnachy widow of Nagamattu of Thannai, Manipay, (3) Nagamattu Kuru Nathan of Kayts, (6) Kanagamamah, wife of K Kanthan of Valpurakurichy, Point Pedro, and (10) Kanapathy Nathamby of Vannarponnai East
Defendants

NOTICE is hereby given that on Monday, November 29, 1943, at 11 30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd, 3rd, 6th, and 10th defendants in the following property for the recovery of the sum of Rs 2,373 31 being compensation and costs payable by the said defendants, and poundage and charges, viz —

All that lot marked 4 in extent 3 lachams varagu culture and 7 kules with stone built house, hut, latrine, well and cultivated plantations, described in survey plan No 60 dated May 18, 1943, prepared by J Manuel, Licensed Surveyor, out of all that piece of land situated at Vannarponnai East in Vannarponnai parish, Jaffna Division of the Jaffna District, Northern Province, called Ilakady, in extent 6 lachams varagu culture and 17 30/32 kules, the said lot No 4 in extent 3 lachams varagu culture and 7 kules is bounded on the east by lot 5 in the said plan reserved for road, north by the property of Sinnapodiara Sinnappu, west by lot 1 in the said plan belonging to Murugesu Rasentharam alias Chelliah, and south by lot 3 in the said plan belonging to Ambalavanar Ramalingam

The share of the 3rd defendant is said to be subject to a mortgage decree in case No 16,996 D C, Jaffna

Fiscal's Office,
Jaffna, November 2, 1943

P THAMBAIAH,
for Fiscal

NOTICES IN TESTAMENTARY ACTIONS

In the District Court of Colombo

Order Nrs

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Moderage Selestina Fernando of Ferguson road, No. 10,054 Mattakuliyva, Colombo, deceased

Belagamage Johannes Fernando of Mattakuliyva in Colombo
Petitioner

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on June 8, 1943, in the presence of Mr E P Rupasinghe, Proctor, on the part of the petitioner, and the affidavit of (1) the petitioner dated December 23, 1941, and (2) the attesting witnesses dated December 23, 1941, and (3) the attesting Notary Public dated June 7, 1943, having been read

It is ordered that the last will and testament of Moderage Selestina Fernando, 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 executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before July 22, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 18, 1943

JAMES JOSEPH,
Additional District Judge

The time to show cause is extended to November 11, 1943

In the District Court of Colombo
Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of Annammah Nagalingam of Mallakam, Chunnakam deceased No 10,587

Nagalingam Ranganathan of Mallakam Chunnakam, presently of Colombo Petitioner

(1) Kandiah Sivasantharam and wife, (2) Thaleswar Ammal, both of Mallakam, Chunnakam Respondents

THIS matter coming for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 29, 1943, in the presence of Mr T Nadarajah, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated August 2, 1943, having been read

It is ordered that petitioner above named be and he is hereby declared entitled, as the son of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 11, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 4, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Testamentary Jurisdiction In the Matter of the Intestate Estate of Henry Richard Perera of Ratmalana, deceased No 10,595

V T Pandita Gunawardena of Ratmalana, Mount Lavinia Petitioner

Irene Beatrice Pandita Gunawardena nee Perera of Ratmalana, Mount Lavinia Respondent

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 9, 1943, in the presence of Messrs Perera & Senarathne, Proctors, on the part of the petitioner above named, and the affidavit of the petitioner dated September 7, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as the husband of the respondent above named, who is the sole heir of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondent above named or any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 15, 1943

S J C SCHOKMAN,
Additional District Judge

The date for showing cause against the *Order Nisi* is extended to November 11, 1943

October 21, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of Walumunne Appuhamillage Davith Singh Appuhamy of Thumbirigama in the Gangaboda pattu of Siyane korale, deceased No 10,608

Hapuaratchige Johana Perera of Thumbirigama aforesaid Petitioner

(1) Walumunne Appuhamillage Nandawathie Jayasinghe, wife of (2) Henekatennehelage Podi Nilame, both of Aulka-mulla in Kegalla District, (3) Walumunne Appuhamillage Leelawathie, (4) ditto Hemawathie, (5) ditto Gnanawathie, (6) ditto Wickramasinghe, all of Thumbirigama aforesaid Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 20, 1943, in the presence of Mr D F J Perera, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 7, 1943, having been read

It is ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 5th and the 6th respondents, to represent them 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 any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 4, 1943

S J C SCHOKMAN,
Additional District Judge

Time for showing cause against this application is extended for November 11, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of Thamboe Nagedran of Nedumale, Dehuwala, deceased No 10,636

Thamboe Selvadurai of 80, Hulftsdorp street, Colombo Petitioner

(1) Thamboe Rajagopal of Diyatalawa, (2) Rasammah Subramaniam of Vaddukoddi, Jaffna Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on October 5 1943, in the

presence of Mr T Nadarajah, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated October 2, 1943, 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 any other person or persons interested shall, on or before November 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 12, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of Nammuni Sri Matin de Thabrew Sri Wijewardane of 81, San Sebastian street Colombo, deceased No 10,632

Perumadura Alexander de Silva of 81, San Sebastian Hill, Colombo Petitioner.

And

(1) Lilian Caroline de Silva Wijeratne nee Mendis Wickremaratne of Panadure, (2) Justin Henry Mendis Wickremaratne of 74, Albion road, Dematagoda, Colombo, (3) Solomon Victor Mendis Wickremaratne of Wellawatta, (4) Selma Mendis Weerasinghe nee Mendis Wickremaratne of 205, Cotta road, Borella, Colombo, (5) Nammuni Yasim de Silva nee de Thabrew Sri Wijewardane 81, San Sebastian Hill, Colombo Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 30, 1943, in the presence of Mr W A Gunawardene, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 29, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as the husband of the 5th respondent above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 25, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of Samuel Navaratnam Richard Breckenridge of 42, Hill street, Kandy, deceased No 10,633 N T

Mrs Aileene Breckenridge of 114, Rosmead place, Colombo Petitioner

(1) Shivasankaran Navaratnam Breckenridge, (2) Saraswathie Navaratnam Breckenridge, both of 42, Hill street, Kandy, by their guardian *ad litem* (3) Robert Abeygoonesekere of Municipality, Kandy Respondents

THIS action coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 30, 1943, in the presence of Mr S S Kandiya, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated August 16, 1943, having been read

It is ordered that the 3rd respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents, to represent them for all the purposes of this action, and that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents or any other person interested shall, on or before November 11, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 4, 1943

S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Last Will and Testament of Mohamadu Abubaker Lebbe, son of Mohamadu Jamaladeen, also known as Ana Moona Moona Mohamadu Abubaker Lebbe of Kilakarai, Rannad District in India, deceased No 10,649

(1) Seenu Mohamadu, son of Sunna Wappu Alim Saibo, and (2) Mohamadu Abubacker, son of Lebbe Ganu Hadjar, both of 29, 31, 33, Third Cross street, Colombo, Petitioners

And

(1) Mohamadu Sayedu Ummal, daughter of Lebbe Ganu Hadjar, (2) Sayedu Mohamadu Natchia, wife of Segu Uduman, (3) Ana Moona Moona Mohamadu Ibrahim Saibo, son of Magdun Mohamadu, (4) Ana Moona Moona Mohamadu Mohideen, son of Sayedu Ahamadu Nana, (5) Ana Moona Moona Mohamadu Ibrahim Saibo, son of Sayedu Ahamadu Nana, and (6) Abdul Carim, son of Lebbe Ganu Hadjar, all of Kilakarai, Rannad District in South India Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on October 11, 1943, in the presence of Mr S Somasundaram, Proctor, on the part of the petitioners above named, and the affidavit of (1) the petitioners dated October 7, 1943, and (2) the attesting Notary Public dated October 8, 1943, having been read

It is ordered that the last will and testament of Mohamadu Abubaker Lebbe, son of Mohamadu Jamaladeen, 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 petitioners above named are the executors named in the said will and they are hereby declared entitled to have probate thereof issued to them accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 25, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 16, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testy In the Matter of the Last Will and Testament of
No. 10,651 Jayasooriya Aratchige Don Alis Appuhamy of
Batagama in Ragam pattu of Alutkuru korale,
deceased

Kirielleniyage Dona Regina Hamy of Nedurupitiya in Ragam
pattu aforesaid Petitioner

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 11, 1943, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named, and the affidavit (1) of the petitioner dated September 27, 1943, and (2) the attesting witnesses dated October 7, 1943, having been read

It is ordered that the last will and testament of Jayasuriya Aratchige Don Alis Appuhamy, 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 is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before November 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 21, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testy In the Matter of the Intestate Estate of Don Caro
No. 10,652 his Leon Ranasinghe of Wattala in the Ragam
pattu of Alutkuru korale, deceased

Weerasooriya Appuhamillage Dona Lily Weerasooriya of Wat
tala aforesaid Petitioner

(1) Dona Lalani Ranasinghe, (2) Dona Chandri Ranasinghe,
(3) Don Upali Ranasinghe, all of Wattala, (4) D. A. Wana-
singhe of Udupila in Siyane korale Respondents

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 11, 1943, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated October 6, 1943, having been read

It is ordered that the 4th respondent 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 or some other person or persons interested shall, on or before November 25, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 21, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Laurence Eaton Sanderson Mitchell, late of
No. 10,655 Pankuliyia, Anuradhapura in the Island of Ceylon,
deceased

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 27, 1943, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner; Philip Edmonds Patcher of Colombo, and the affidavit of the said petitioner dated September 3, 1943, and affidavit as to the due execution of the will, original will, certificate of death of the above named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated October 6, 1943, having been read. It is ordered that the will of the said deceased dated July 23, 1940, 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 petitioner is the attorney of the sole executor 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 11, 1943, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Srenu
Jurisdiction wasaga Ragaachari of Karaikuch in India,
No. 10,662 deceased

Srenuwasaga Saranathan of Imperial Bank building, Fort,
Colombo Petitioner

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 20, 1943, in the presence of Mr. C. Sevaprasadam, Proctor, on the part of the

petitioner above named and (1) the affidavit of the petitioner dated October 18, 1943, and (2) the order of Supreme Court dated October 18, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as the brother and sole heir of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless any person or persons interested shall, on or before December 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 28, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Testamentary In the Matter of the Last Will and Testament or
Jurisdiction trust disposition and settlement of Walter Angus
No. 10,659 Elmshe who sometime resided in Aberdeen,
Scotland, and latterly at Trincomalee in the
Island of Ceylon, Civil Engineer, deceased

And

In the Matter of the British Courts Probates
(Re-sealing) Ordinance (Chapter 84)

Jean Sinclair or Elmshe of 12, Carlton place, Aberdeen, Scot
land, widow Applicant

NOTICE is hereby given that after the expiry of fourteen days from the date hereof application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of this confirmation of the last will and testament or trust disposition and settlement of Walter Angus Elmshe who sometime resided in Aberdeen, Scotland, and latterly at Trincomalee in the Island of Ceylon, Civil Engineer, deceased, granted by the Sheriff of the Lothians and Peebles at Edinburgh, Scotland, on December 22, 1942

V. GNANARATNAM COOKE,
Proctor for Jean Sinclair or
Elmshe, the Executrix

Colombo, November 5, 1943

In the District Court of Colombo

Order Absolute in the First Instance

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Walter Andrew Fernando of Hurlingham,
No. 10,663 Gregory's road, Colombo, in the Island of Ceylon,
medical practitioner and proprietary planter,
deceased

And

In the Matter of the Civil Procedure Code (Cap 86)
Chapter XXXVIII

Lavinia Henrietta Charlotte Fernando of Hurlingham, Gregory's
road, Colombo, aforesaid Petitioner

THIS matter coming on for final determination before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 21, 1943, in the presence of Messrs. F. J. & C. de Saram, Proctors, on the part of the petitioner, Lavinia Henrietta Charlotte Fernando of Hurlingham, Gregory's road, Colombo, and (1) the affidavit of the said petitioner dated October 13, 1943, and (2) the affidavit of one of the attesting witnesses of the will dated October 20, 1943, having been read. It is ordered that the will of the said Walter Andrew Fernando, deceased, bearing No. 3,098 dated March 11, 1919, and attested by William Arnold Spaldewinde de Vos of Colombo, Notary Public (the original of which will together with a certified copy thereof made from the Notary's protocol filed of record in the office of the Registrar of Lands, Colombo, have been produced and are now deposited in this court) be and the same is hereby declared proved, reference being made to the said certified copy thereof to the extent to which such certified copy is required to make apparent certain portions of the said original will which have been obliterated by the action of insects or by climatic conditions. And it is further declared that the said Lavinia Henrietta Charlotte Fernando is the sole executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, subject to her tendering the usual oath

October 26, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Testamentary In the Matter of the Intestate Estate of Maud
Jurisdiction Milred Perera of 77/4, Wasala road, Kotahena,
No. 10,669 in Colombo, deceased

L. Charles G. Perera of Hapugoda in Kandana, also of
Colombo Petitioner.

(1) L. H. Horace Perera of Wasala road, Kotahena,
(2) Mrs. Pauline Beatrice Seneviratne of Hapugoda,
Kandana Respondents.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on October 30, 1943, in the presence of Mr. S. Vallipuram, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated October 28, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as a son of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 11, 1943, show sufficient cause to the satisfaction of this court to the contrary

November 1, 1943

S. J. C. SCHOKMAN,
Additional District Judge

In the District Court of Amissawella
Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Balasuriyage Don Elias Appuhamy, late of
No 327 Galagedera, deceased.

Between

Dona Jayalatha Balasuriya Hamme of Galagedera Petitioner

And

(1) Dona Selma Balasuriya Hamme of Bope, (2) Dona Mariya
Balasuriya Hamme of Galagedera Respondents

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge, Amissawella, on August 31, 1943, in the presence of Messrs Kelaart & Amerasinghe, Proctors, on the part of the petitioner above named, and the petition and affidavit of the petitioner above named together with the last will dated August 2, 1943, having been read

It is ordered that the last will of the said Balasuriyage Don Elias Appuhamy dated November 14, 1934, now filed of record in this case be and the same is hereby declared proved, unless sufficient cause be shown to the contrary by the above named respondents on or before September 28, 1943.

It is also ordered that the petitioner is the executrix named in the will and that she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before September 28, 1943, show sufficient cause to the contrary

August 31, 1943 L. B. DE SILVA,
District Judge

This *Order Nisi* is extended and re issued for November 9, 1943

October 19, 1943 L. B. DE SILVA,
D J

In the District Court of Negombo
Order Nisi

Testamentary In the Matter of the Last Will and Testament of
No 3,228 Meneripitiye Appuhamillage Dona Juliet Karunaratna of Matammana, deceased

Meneripitiye Appuhamillage Don David Karunaratna of Agra, Bendiyamulla Petitioner,

Vs

(1) Richard Charles Seneviratna of Matammana, (2) Frederick Richard Seneviratna of Boragodawatta, (3) Arthur Colvin Seneviratna, (4) Eric Sextus Seneviratna, (5) Erin Pearl Ranasingha nee Seneviratna, all of Matammana, (6) George Shelton Seneviratna of Bendiyamulla, (7) Lester Clarence Seneviratna of Matammana, (8) Patrick Reginald Seneviratna of Matammana Respondents

THIS matter coming on for disposal before Spencer Rajaratnam Esq., District Judge of Negombo, on October 9, 1943, in the presence of Mr Lionel Samarasinghe, Proctor, on the part of the petitioner, and the affidavits of (1) the petitioner dated October 5, 1943, (2) the attesting Notary Public dated September 29, 1943, and October 7, 1943, and the witnesses dated October 2, 1943, having been read

It is ordered that the last will and testament No 2,739 dated December 19, 1942, attested by D. L. Gunasekara, Notary Public, of Meneripitiye Appuhamillage Dona Juliet Karunaratna, 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 is the executor named in the said last will and that he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

And it is further ordered that the 2nd respondent above named do produce the 8th respondent above named in this court at 10 o'clock in the forenoon on November 2, 1943

October 9, 1943 S. RAJARATNAM,
District Judge

The date for showing cause against this *Order Nisi* is hereby extended to November 24, 1943

October 26, 1943 S. RAJARATNAM,
District Judge

In the District Court of Kalutara
Order Nisi

Testamentary In the Matter of the Estate of the late James Her
Jurisdiction man Scharenguvel of Hospital street, Kalutara,
No 3,110 deceased

Swinburne Scharenguvel of Hospital street, Kalutara Petitioner

Vs

(1) Hugh Vernon Scharenguvel, (2) Rita Gertrude ditto, (3) Alok Johnson ditto, all of Hospital street, Kalutara Respondents

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on September 30, 1943, in the presence of Mr P. D. B. Gunetilleke, Proctor, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated September 29, 1943, having been read

It is ordered that the petitioner is entitled to have letters of administration, as son of the deceased, unless respondents or any other person or persons interested in the estate shall, on or before November 9, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 30, 1943. V. S. JAYAWICKRAMA,
District Judge

In the District Court of Kandy
Order Nisi

Testamentary In the Matter of the Estate of the late Nalla
Jurisdiction Thamby Sellan Kangany's son Muttiah Pulle,
No T 378 deceased, of Perumal Palayam, in the District of Trinopoly, South India

Muttiah Pulle's son Sellah of Kadianlena in Kotmale Petitioner

Vs

(1) Sembalingam Pulle's daughter Ponnamma, (2) Muttiah Pulle's son Nalla Thamby, (3) ditto Parama Sivam, (4) ditto daughter Puspam, (5) ditto Sanesan, all of Perumal Palayam aforesaid, the 3rd, 4th, and 5th by their guardian *ad litem* (6) Thevaraya Pulle of Kadianlena, Kotmale Respondents

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on July 26, 1943, in the presence of Messrs Marikar & Marikar, Proctors, on the part of the petitioner, Muttiah Pulle's son Sellah of Kotmale, and the affidavit of the said petitioner dated July 21, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the above named deceased to have letters of administration to the estate issued to him, unless the respondents or any other person or persons interested shall, on or before September 16, 1943, show sufficient cause to the contrary

It is further ordered that the 6th respondent be appointed guardian *ad litem* over the minors, the 3rd, 4th, and 5th respondents, unless the respondents or any other person or persons interested shall, on or before September 16, 1943, show sufficient cause to the satisfaction of this court

July 26, 1943

C. NAGALINGAM,
District Judge

The date for showing cause against this *Order Nisi* is hereby extended to November 8, 1943

September 16, 1943

C. NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Habeebu
Jurisdiction Mohamadu Lebbe's son Seiyadu Mohamadu,
No T 390 deceased, of Akurana

Paragahadeniyegedera Seiyadu Lebbe's son Noor Mohamadu of Kurugoda Petitioner

Vs

(1) Paragahadeniyegedera Seiyadu Lebbe's daughter Balkis Umma, (2) ditto Pathumma Natchiva, (3) ditto son Sharul Hamud, all of Kurugoda in Udagampana, Hiris pattu Respondents

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on October 5, 1943, in the presence of Messrs Marikar & Marikar, Proctors, on the part of the petitioner, Paragahadeniyegedera Seiyadu Lebbe's son Noor Mohamadu of Akurana, and the affidavit of the said petitioner dated September 18, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as an heir of the above named deceased, to have letters of administration to the estate of the above named deceased issued to him, unless the respondents or any other person or persons interested shall, on or before November 8, 1943, show sufficient cause to the satisfaction of this court

October 5, 1943

C. NAGALINGAM,
District Judge

In the District Court of Kandy

Order Absolute in the First Instance declaring will proved

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Ana Roona Oona Lana Olagappa Chettiar,
No T 400 deceased, of Paganeri, Ramnad District, South India

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on October 22, 1943, in the presence of Messrs Coomaraswamy & Vijayarajam, Proctors, on the part of the petitioner, Ana Roona Oona Lana Vararajan Chettiar of Matale, and the affidavit of the petitioner dated October 18, 1943, and E. M. Punchi Banda of Matale, the clerk of the attesting notary dated October 18, 1943, having been read. It is ordered that the last will of the above named deceased, dated January 9, 1932, now deposited in this court be and the same is hereby declared proved

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

October 22, 1943

C. NAGALINGAM,
District Judge

In the District Court of Galle

Order Absolute at the First Instance

No 8,058 In the Matter of the Last Will and Testament of
Testamentary Caroline Abeykoon Jayasekera of Bataganwila,
Galle, deceased

Peter Wijeratna - Jayatilaka Serasinghe of Bataganwila, Galle Petitioner

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Galle, on October 6, 1943, in the presence of Mr. Mohammed S. Marikar, Proctor, on the part of the petitioner above named, and the affidavits (1) of the said petitioner dated September 30, 1943, and (2) of the attesting notary dated September 26, 1943, and the motion of the said Proctor dated September 30, 1943, having been read

It is ordered that the last will of Caroline Abeykoon Jayasekera, deceased, and of the petitioner of which the original has been produced and is now deposited in this court be and the same is hereby declared proved, and it is further declared that the petitioner is the executor named in the said will and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before November 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 6, 1943

A S VANIGASOORIYAR,
District Judge

In the District Court of Matara

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Don Nicolas Bangamuwa Abeygunawardena
No 4, 195 late of Makandura, deceased

Armedh Dharmadasa Bangamuwa Abeygunawardena of Makandura
dura Petitioner

Vs,

Dona Celiyana Abeysekera of Makandura Respondent

THIS matter coming on for disposal before S/S J Goonesekera, Esq., District Judge of Matara, on October 26, 1943, in the presence of Mr G. E. Ernst, Proctor, on the part of the petitioner above named, and the affidavits of (1) the petitioner, and (2) attesting notary and witness dated October 11, 1943, having been read

It is ordered that the last will and testament of Don Nicolas Bangamuwa Abeygunawardena, deceased, the original of which has been deposited in this court be and the same is hereby declared proved, and that the petitioner above named is the executor named in the said will and he is hereby declared entitled, to have probate thereof issued to him accordingly, unless any person or persons, interested shall, on or before December 6, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 26, 1943

S S J GOONSEKERA,
District Judge

In the District Court of Jaffna

Order Nisi

No 115 Testy In the Matter of the Estates of the late Kanda
Karthigesu of Vannarponnai East, deceased

Karthigesu Aiyadura of ditto Petitioner

Vs

(1) Karthigesu Chelliah and (2) Thewani Pillai widow of K
Karthigesu of ditto Respondents

THIS matter coming on for disposal before G C Thambyah, Esq., District Judge, Jaffna, on May 12, 1943, in the presence of Mr V S Somasundram, Proctor, on the part of the petitioner and the affidavit of the petitioner having been read, it is ordered that the petitioner be declared entitled to have letters of administration to the estate of the above named deceased as one of his heirs, unless the respondents or any other person or persons interested shall appear before this court on June 28, 1943, and state objection or show cause to the contrary

May 12, 1943

G C THAMBYAH,
District Judge

Time to show cause extended to November 11, 1943

JAMES JOSEPH,
D J

In the District Court of Jaffna

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction the late Vaidhilingam Sinnadurai of Vannar
No 178 ponnai east, deceased

Nagaratnam, widow of Vaidhilingam Sinnadurai of Vannar
ponnai east Petitioner

Vs

(1) Vaitheswaran Nagalingam, and (2) Mageswary, daughter
of Vaitheswaran, both of Vannarponnai East, minors, appearing
by their guardian *ad litem*, (3) Selliah Vaitheswaran of
Vannarponnai east, presently of Colombo Respondents

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna, on September 23, 1943, in the presence of Mr M R Karalasingham, Proctor, on the part of the petitioner and the affidavit and petition of the petitioner having been read

It is ordered that the above named Selliah Vaitheswaran, the 3rd respondent, be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents for the purpose of watching their interest in the testamentary proceedings and that the last will and testament of the above named deceased, be declared proved and that the petitioner as the executrix named in the said will be declared entitled, to have probate of the said will issued to her and that probate thereof be issued to her accordingly, as the executrix named therein unless the above named respondents or any other persons shall appear before this court on September 30, 1943, and show sufficient cause to the satisfaction of this court to the contrary

September 23, 1943

JAMES JOSEPH,
District Judge

Time to show cause extended till October 21, 1943

Intd J J,
D J.

Time to show cause extended till November 15, 1943

Intd D J

In the District Court of Jaffna

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Kathravelu Veluppillai of Rambukkana,
No 180 deceased

Sinnathambay Kathravelu of Alaveddi north Petitioner.

(1) Veluppillai Karthigesu, (2) Veluppillai Vadivelu both of
Alaveddi north, minors, by their guardian *ad litem*, (3)
Angammah widow of Kathravelu Veluppillai of
Rambukkana Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna, on October 12, 1943, in the presence of Mr S Canagasaba, Proctor, on the part of the petitioner and the petition and affidavit of the petitioner having been read, it is ordered that the petitioner be appointed administrator over the estate of the said deceased, and that letters of administration be granted to him accordingly, unless the respondents or any other person shall, on or before November 12, 1943, appear before this court and show sufficient cause to the satisfaction of this court to the contrary

October 12, 1943

JAMES JOSEPH,
District Judge

In the District Court of Kegalla

Order Nisi

Testamentary In the Matter of the Estate of the late Hetti
Case No 1,671 arachchige John Lobus Dharmaratna of Kegalla,
deceased

Between

Hetti arachchige Roy Antony Dharmaratna of Kegalla Petitioner

And

(1) Grace Winifred Lewis and her husband, (2) B Don Lewis,
both of Kegalla, (3) Liban Florence Perera and her husband,
(4) Reginald Lionel Perera, both of Nagoda, Galle, (5) Hetti
arachchige Stella Brenda Dharmaratne, (6) ditto Hilary
Claude Joseph Dharmaratne, (7) ditto Janet Therese
Dharmaratne, (8) ditto Kathleen Joyce Dharmaratne, all of
Kegalla Respondents

THIS action coming on for disposal before R R Selvadurai, Esq., District Judge of Kegalla, on August 12, 1943, in the presence of Mr J L Suraweera, Proctor, on the part of the petitioner, and the petition of the petitioner dated August 13, 1943, and the affidavit dated August 13, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the deceased, to have letters of administration to the estate of the intestate, and that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the 7th and 8th minor respondents, unless the respondents above named or any person or persons interested shall, on or before September 29, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 2nd respondent above named is hereby required to produce the said minors on the day aforesaid in Court

August 12, 1943

R R SELVADURAI,
District Judge

This Order Nisi is extended to November 10, 1943

September 29, 1943

R R SELVADURAI,
District Judge