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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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DRAFT ORDINANCES

MINUTE

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

L D—O 28/43

An Ordinance to amend certain provisions of the Notaries Ordinance

Cap 91
Vol III,
p 33

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 Notaries Amendment Ordinance, No of 1943

Short title

2. Section 26 of the Notaries Ordinance (hereinafter referred to as "the principal Ordinance.") is hereby amended in the Proviso to sub-section (2) thereof by the substitution, for the words "that such default was not due to any negligence on the part of the notary," of the words "that the delay was due to accident, misfortune or other unavoidable cause,"

Amendment of section 26 of Chapter 91

3. Section 28 of the principal Ordinance is hereby amended by the repeal of sub-section (2) and the substitution therefor of the following new sub-section —

Amendment of section 28 of the principal Ordinance

"(2) Any party who is aggrieved by any order made under sub section (1) of this section, or by the refusal of the District Judge to direct the issue of a certificate in any case referred to in the Proviso to section 26 (2), may appeal against such order or refusal to the Supreme Court"

4 Section 30 of the principal Ordinance is hereby amended in rule (25) of that section as follows —

Amendment of section 30 of the principal Ordinance

(1) in paragraph (a) of that rule by the substitution, for all the words from "Second Schedule" to "Registrar General", of the words "Second Schedule", and

(2) in paragraph (c) (1) of that rule, by the substitution for the words "lists required" of the words "list required"

Objects and Reasons

Section 26 of the Notaries Ordinance requires that the application of a notary for his annual certificate should be made to the Secretary of the District Court on or before the first day of March in each year. Under the Proviso to sub section (2) of that section, however, power is conferred on the District Judge to direct the issue of a certificate notwithstanding delay in making the application, if the District Judge is satisfied that the "default was not due to any negligence on the part of the notary". It has been pointed out that the words cited above are not applicable in the generality of cases where there has been delay since it is impossible to prove that the default was not due to negligence. The object of Clause 2 of this Bill is to amend

the Proviso to section 26 (2) so as to authorise the issue of a certificate if the District Judge is satisfied that the delay was due to accident, misfortune or other unavoidable cause

It was held by the Supreme Court in a case reported at page 74 of Volume 38 of the New Law Reports that no appeal lies against the refusal of the District Judge to direct the issue of a certificate in cases referred to in the Proviso to section 25 (2) (now section 26 (2)) of the principal Ordinance. The object of Clause 3 of this Bill is to amend section 28 of the principal Ordinance in order to allow a right of appeal to the Supreme Court in cases coming within the Proviso to section 26 (2)

2 The object of Clause 4 of this Bill is to amend rule (25) of section 30 of the principal Ordinance by the omission of the provisions in that rule which require a notary to furnish to the Registrar-General monthly lists of deeds or instruments executed before or attested by him

G C S COREA,
Minister for Labour, Industry and Commerce
Colombo, November 11, 1943

(Continued on page 590)

NOTICES OF FISCALS' SALES

Western Province

In the District Court of Colombo

The Public Trustee of Ceylon as Trustee of the estate of the late Vincent William Pereira Plaintiff

No 3,169 M Vs

Sheik Abdul Cader Saboor Mohideen of 11, Oilman street, Hulftsdorp, Colombo (dead) Defendant

C Emmanuel, Secretary of the District Court of Colombo, Official Administrator of the estate of the late Sheik Abdul Cader Saboor Mohideen Substituted Defendant

NOTICE is hereby given that on Monday, December 13, 1943, at 4 P M, will be sold by public auction at the premises the following property for the recovery of the sum of Rs 150, with legal interest thereon from May 4, 1935, till payment and costs of suit Rs 170 42, viz —

The right, title, and interest of the defendant (deceased) in and to the following property, to wit —

An allotment of land marked B described in plan No 3025 by C A Leembruggen, Surveyor, with the buildings thereon bearing assessment No 344/A 38B 1-5 presently bearing assessment No 167, 167A 1-6, situated at Prince of Wales avenue in the Kotahena Ward within the Municipality and District of Colombo, Western Province, bounded on the north east by the property of N Pichey now bearing assessment No 355/40A of Adamjee Lukmanjee, on the south east by Mansergh avenue now called Prince of Wales avenue, on the south west by the property of E Mohammado Mohideen now bearing assessment No 322/22, and on the north west by the grass field said to belong to Eddoris Baas, containing in extent 11 77/100 perches Registered A 200/277

Fiscal's Office,
Colombo, November 16, 1943

V ALLI RAJAH,
Deputy Fiscal

In the District Court of Colombo

The Public Trustee of Ceylon as Trustee of the estate of the late Vincent William Pereira Plaintiff

No 3,365 M Vs

Sheik Abdul Cader Saboor Mohideen of 11, Oilman street, Hulftsdorp, Colombo (dead) Defendant

C Emmanuel, Secretary of the District Court of Colombo, Official Administrator of the estate of the late Sheik Abdul Cader Saboor Mohideen Substituted Defendant

NOTICE is hereby given that on Monday, December 13, 1943, at 3 P M, will be sold by public auction at the premises the following property for the recovery of the sum of Rs 1,030 12, with legal interest thereon from June 13, 1935, till payment in full together with Rs 330 being damages for the months of June, July, and August, 1935, and costs of suit, viz —

The right, title, and interest of the defendant (deceased) in and to the following property, to wit —

An allotment of land marked B described in plan No 3025 by C A Leembruggen, Surveyor, with the buildings thereon bearing assessment No 344/A 38B 1-5 presently bearing assessment No 167, 167A 1-6 situated at Prince of Wales avenue in the Kotahena Ward within the Municipality and District of Colombo, Western Province, bounded on the north east by the property of N Pichey now bearing assessment No 355/40A of Adamjee Lukmanjee, on the south east by Mansergh avenue now called Prince of Wales avenue, on the south west by the property of E Mohammado Mohideen now bearing assessment No 322/22, and on the north west by the grass field said to belong to Eddoris Baas, containing in extent 11 77/100 perches Registered A 200/277

Fiscal's Office,
Colombo, November 16, 1943

V ALLI RAJAH,
Deputy Fiscal

In the District Court of Colombo

The Public Trustee of Ceylon, Trustee of the Trust of Vincent William Pereira, deceased Plaintiff

No 3,548 M Vs

Sheik Abdul Cader Saboor Mohideen of 11, Oilman street, Hulftsdorp Colombo (dead) Defendant

C Emmanuel, Secretary of the District Court of Colombo, Official Administrator of the estate of the late Sheik Abdul Cader Saboor Mohideen Substituted Defendant

NOTICE is hereby given that on Monday, December 13, 1943, at 3 30 P M, will be sold by public auction at the premises the following property for the recovery of the sum of Rs 799 and costs of suit, viz —

The right, title, and interest of the defendant (deceased) in and to the following property, to wit —

An allotment of land marked B described in plan No 3025 by C A Leembruggen, Surveyor, with the buildings thereon bearing assessment No 344/A 38B 1-5 presently bearing assessment No 167, 167A 1-6, situated at Prince of Wales avenue in the Kotahena Ward within the Municipality and District of Colombo, Western Province, bounded on the north east by the property of N Pichey now bearing assessment No 355/40A of Adamjee Lukmanjee on the south east by Mansergh avenue now called Prince of Wales avenue, on the south west by the property of E Mohammado Mohideen now bearing assessment No 322/22, and on the north west by the grass field said to belong to Eddoris Baas, containing in extent 11 77/100 perches Registered A 200/277

Fiscal's Office,
Colombo, November 16, 1943

V ALLI RAJAH,
Deputy Fiscal

Southern Province

In the District Court of Galle

Nupe Vidane Aratchige Sumanappu of Ahangama Plaintiff

Pilettuwasa Gallege Francis de Silva of Ahangama Substituted Plaintiff

No 37,643 Vs

(1) Vincent Henry Wellala of Ahangama, and others Defendants

NOTICE is hereby given that on Friday, December 10, 1943, at 3 30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following mortgaged property for the recovery of a sum of Rs 7,128 75, with legal interest thereon from February 7, 1941, till payment in full and costs of suit taxed at Rs 324 87, less a sum of Rs 32 50 being costs payable by the plaintiff to the 1st defendant, viz —

All the soil and fruit trees together with all the plantations thereon of the land called Mekuliyagahawatta situated at Kapuvatta in Midigama in Weligama Korale in Matara District, Southern Province, and bounded on the north by Kappugahawatta, east by Jambugaha koratuwa Udahena and Pissellenna, south by Kamburumullawela, and on the west by Korahema, and containing in extent 2 acres 1 rood and 1 4 perches Registered in D 355/129

Deputy Fiscal's Office,
Matara, November 15, 1943

H V F ABAYAKOON,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Reverend Don William Abeyratne, retired Baptist Missionary, of 40, Albion road, Demata-goda, deceased

Reverend Stanely Fredrick Pearce of Baptist Missionary Society, Kynsew road, Colombo Petitioner.

THIS matter coming on for disposal before S J C. Scholaman Esq., Additional District Judge of Colombo on September 30, 1943,

in the presence of Mr G. F. Weerackody, Proctor, on the part of the petitioner above named, and the affidavit of (1) the petitioner dated September 17, 1943, (2) the attesting Notary Public dated September 14, 1943, and (3) the attesting witnesses dated September 17, 1943.

It is ordered that the last will and testament of Reverend Don William Abayaratne 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 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 November 11, 1943, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1943 S J C SCHOKMAN,
Additional District Judge

The date for showing cause in foregoing Order *Nisi* is extended to November 25, 1943

November 11, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo
Order Nisi

No 10,656 In the Matter of the Intestate Estate of Edward
Testy Charles Ebert of 14/S, Price place, San Sebastian,
Colombo, deceased

M E Helder of 14/S, Price place, San Sebastian, Colombo Petitioner.

Vs

Mrs Georgiana Eleonora Thiedman of Nugegoda Respondent

THIS matter coming on for disposal before S J C Schokman, Esq. Additional District Judge of Colombo, on October 19, 1943, in the presence of Mr Z H Mantara, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated October 5, 1943, and the certificate of death dated September 12, 1943 having been read.

It is ordered that the petitioner above named be and she is hereby declared entitled as the sister of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondent above named or any other person or persons interested shall, on or before December 2, 1943, show sufficient cause to the satisfaction of this court to the contrary.

October 20, 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 Don Calens Abeyesekera Appuhamy of
No 10,658 Welipenna in Alutgama, deceased

Udagama Koralalage Dona Nancy Nona Hamme of Welipenna
Alutgama Petitioner

(1) Don George Abeyesekera of Welipenna, aforesaid, (2) Maria Charlotte Abeyesekera, wife of Arthur Rodrigo of Moaia thuduwa, Wadduwa, (3) Don Piyadasa Abeyesekera, (4) Don Simon Abeyesekera, (5) Dona Dayavathie Abeyesekera (6) Dona Ariyavathie Abeyesekera, (7) Dona Kusumawathie Abeyesekera, (8) Dona Anurawathie Abeyesekera, (9) Don Owen Abeyesekera, (10) Don Henry Abeyesekera, all of Welipenna, aforesaid, (11) Gurunanselage Don Seeman Appuhamy of Welipenna aforesaid Respondents

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 Messrs Weeraratne & Hasobh, Proctors on the part of the petitioner above named, and the affidavit of (1) the petitioner dated October 16, 1943, (2) attesting Notary Public dated October 20, 1943, and (3) the witnesses dated October 18, 1943, having been read.

It is ordered that the last will and testament of Don Calens Abeyesekera 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 above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 2, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 11th respondent above named be and he is hereby appointed guardian *ad litem* of the minors the 3rd to 10th respondents, to represent them for all the purposes of this action, unless the respondents above named or any other 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
Order Nisi

Testamentary In the Matter of the Intestate Estate of Jaya
Jurisdiction wardana Welatantige William Botejue of
No 10,668 Kotuwegoda, deceased

Alfred Harrison Botejue of Welkadu Petitioner

And

(1) Florence Malagala nee Botejue of Nawinna, (2) Agnes Kuruaratne nee Botejue of Badulla (3) Violet Perent nee Botejue of Kalubowila, (4) Felix Botejue and, (5) Matilda Botejue, both of Kotuwegoda Respondents

THIS matter coming on for disposal before S J C Schokman Esq., Additional District Judge of Colombo, on October 29, 1943

in the presence of Mr S A Jayasekera, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated October 21, 1943, having been read.

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest 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 December 9, 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 Colombo
Order Absolute

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Cyril Goolden, D.S.O., of Hunupitiya Cottage,
No 10,672 Turret road, Colpetty, Colombo, in the Island of
Ceylon Retired Commander of the Royal Navy,
deceased

THIS matter coming on for final determination before S J C Schokman, Esq. Additional District Judge of Colombo, on November 2, 1943, in the presence of Messrs Julins & Creasy, Proctors, on the part of the petitioner, Eugene Goolden of Colombo, and the affidavit of the said petitioner dated October 28, 1943, 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 February 7, 1927, 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 sole executrix named in the said will and that she is entitled to have probate of the said will issued to her on her paying estate duty and taking oath of office.

November 10, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo
Order Absolute in the First Instance

Testamentary In the Matter of the Estate of the late Abdull Caffoor
Jurisdiction Mohamed Ismail, deceased, of Galkapanawatta
No 10,674 road, Grandpass, Colombo

THIS matter coming on for determination before S J C Schokman, Esq. Additional District Judge of Colombo, on November 2, 1943, in the presence of Mr T Canaga Rana, Proctor, on the part of Idroos Ummu Nafia, the petitioner, and the affidavits of (1) the petitioner dated October 25, 1943, and (2) the attesting witnesses dated October 30, 1943, having been read.

It is ordered that the last will made by the deceased above named and bearing No 21 dated January 27, 1940, and now deposited in this court be declared proved and probate thereof be issued to the petitioner aforesaid as the executrix named in the said will on the publication of the order once in the *Ceylon Government Gazette* and twice in the *Ceylon Observer* newspaper and on her taking the usual oath and tendering the security bond.

November 8, 1943 S J C SCHOKMAN,
Additional District Judge.

In the District Court of Colombo
Notice of Application

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction James Mortimer Blizard, formerly of Colombo
No 10,680 in the Island of Ceylon but late of Feltham Hill
Lodge, Cadbury road, Sunbury on Thames, in
the County of Middlesex, deceased

And in the Matter of the British Courts Probate
(Re sealing) Ordinance (Chapter 84)

NOTICE is hereby given that after the expiry of twenty one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probate (Re sealing) Ordinance (Chapter 84), for the sealing of an exemplification of probate of the last will and testament of James Mortimer Blizard formerly of Colombo in the Island of Ceylon but late of Feltham Hill Lodge, Cadbury road, Sunbury on Thames, in the County of Middlesex, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on November 14, 1942.

O P MOUNT,
Attorney for Edith Lillian Blizard, the sole
executrix of the last will and testament
of James Mortimer Blizard, deceased

Colombo, November 3, 1943

In the District Court of Colombo
Order Absolute

Testamentary In the Matter of the Estate of the late Lady Glencora
Jurisdiction Barnes Schneider, MBE, deceased of Home-
No 10,688 wood, Folly road, Havelock Town, Colombo

THIS matter coming on for final determination before S J C Schokman, Esq. Additional District Judge of Colombo, on November 12, 1943, in the presence of Mr G H Gratian, Proctor, on the part of the petitioners (1) The Right Rev. The Lord Bishop of Colombo, (2) The Venerable Francis Lorenz Beven, Archdeacon of Colombo, and (3) William Edward VanderSmagt de Rooij of Colombo, and the affidavit of (1) the petitioners dated November 12, 1943, and (2) the attesting Notary Public dated November 12, 1943, having been read.

It is ordered that the last will No 429 made by the deceased above named and dated March 27, 1940, and now deposited in this court be declared proved and probate thereof be issued to the petitioners aforesaid, as executors mentioned in the said will on the publication of this Order in the *Ceylon Government Gazette* and twice in the *Times* of Ceylon newspaper and on then taking the usual oath and tendering the security bond

November 15, 1943

S J C SCHOKMAN,
Additional District Judge

Notice of Application

In the District Court of Colombo

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Hilton Chambers Shekell, late of Chestervale
No 10 689 in the parish of Saint Andrew, Jamaica, Gentle
man, deceased.

And in the Matter of the British Courts Probates
(Re sealing) Ordinance (Chapter 84)

NOTICE is hereby given that after the expiry of twenty one 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 an exemplification of probate of the last will and testament of Hilton Chambers Shekell, late of Chestervale in the parish of Saint Andrew, Jamaica, Gentleman, deceased, granted by the Supreme Court of Judicature of Jamaica of December 16, 1941

O P MOUNT,

Attorney for Laura Alison Shekell and
Howard Bush Smith, the Executors
of the Last Will and Testament of
Hilton Chambers Shekell,
deceased

Colombo, November 11, 1943

Notice of Application

In the District Court of Colombo

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Harry Ernest Richard Tom of Rosebank,
No 10,690 Kinnoull, Perth, in the County of Perth, formerly
of the Station Hotel, Bridge street, Wick,
Cathness, deceased.

And in the Matter of the British Courts Probates
(Re sealing) Ordinance (Chapter 84)

NOTICE is hereby given that after the expiry of twenty one 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 a certified copy of probate of the last will and testament of Harry Ernest Richard Tom of Rosebank, Kinnoull, Perth, in the County of Perth, formerly of the Station Hotel, Bridge street, Wick, Cathness, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on April 3, 1943

O P MOUNT,

Attorney for Mercia Torin, the sole Executrix
of the Last Will and Testament of Harry
Ernest Richard Tom, deceased

Colombo, November 11, 1943

In the District Court of Negombo

Order Nisi

No 3,230 In the Matter of the Intestate Estate of the late
Testamentary Don Edwin Arnold Pasqual Panditaratne, de-
Jurisdiction ceased, of Pitipane in the District of Negombo
Ana Maria Panditaratne nee Fernando of Pitipane
aforesaid Petitioner

And

(1) Abraham Lionel Panditaratne, (2) Harold Peter Francisus
Panditaratne, (3) Joseph Ivor Tudor Panditaratne, (4) Leslie
Bernard Panditaratne, (5) Hector Nicholas Oscar Pandita-
ratne, (6) Lourdes Florry Mabel Panditaratne, (7) Leno Edwina
Wilton Panditaratne, all of Pitipane, minors, by their guar-
dian *ad litem*, the 8th respondent (8) Pasqualge Don
Richard Panditaratne of Seedura, guardian *ad litem* of the
1st to 7th respondents, minors Respondents

THIS matter coming on for disposal before Spencer Rajaratnam,
Esq., District Judge of Negombo, on October 29, 1943, in the
presence of Mr D C E V Karumaratne, Proctor, on the part of
the petitioner above named, and the affidavit of the petitioner
dated August 11, 1943, having been read

It is ordered that the 8th respondent above named be appointed
guardian *ad litem* over the 1st to 7th respondents above named,
minors, 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 November 26, 1943, show sufficient
cause to the satisfaction of this court to the contrary

October 29, 1943

S RAJARATNAM,
District Judge

In the District Court of Kalutara

Order Nisi

Testy In the Matter of the Estate of the late Hettiwattage
Jurisdiction Themis Fernando, deceased, of Remuna
No 3,109 Weerasinghage Regua Weerasingha of
Remuna Petitioner

Vs

(1) Hettiwattage Rosalyn Fernando, (2) ditto Mary Fernando,
(3) ditto Romiel Fernando, (4) ditto Nandiris Fernando, all
of Remuna Respondents.

THIS matter coming on for disposal before J H V S Jaya-
wickreme, Esq., District Judge of Kalutara, on September 27, 1943,
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 April 30, 1943, having been read

It is ordered that the petitioner is entitled to have letters of
administration to the estate of deceased, as his widow, unless the
respondents or person or persons interested in the estate shall, on
or before October 28, 1943, show sufficient cause to the satisfaction
of this court to the contrary

September 27, 1943

J H V S JAYAWICKREME,
District Judge

The date for showing cause has been extended for December 2,
1943

J H V S JAYAWICKREME,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Mahduwa
Jurisdiction Galgane Guusingha Aratchige Laisa Nona alias
No T 379 Laishamy, deceased, of Kahalla in Katugastota

THIS matter coming on for disposal before C N Galangam, Esq.,
District Judge, Kandy, on October 21, 1943, in the presence of
Messrs Wijayatilake & Wijayatilake, Proctors, on the part of the
petitioner, Mahduwa Galgane Dineshamy, of 146, Castle Hill street,
Kandy, and the affidavit of the said petitioner dated October 15,
1943, having been read

It is ordered that the petitioner be and he is hereby declared
entitled, as the sole surviving heir 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 13, 1943 show sufficient cause
to the satisfaction of this court to the contrary

October 21, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Radagoda
Jurisdiction Jayamangala Durayalagedera alias Pamunuwa
No T-339 Maduwegedera Hotatala, deceased, of Pamunuwa
in Medapalata of Udunuwara

THIS matter coming on for disposal before C Nagalingam, Esq.,
District Judge, Kandy, on October 4, 1943, in the presence of
Messrs Luesching & Iee, Proctors, on the part of the petitioner,
Radagoda Jayamangala Durayalagedera alias Pamunuwa
Maduwegedera John, and the affidavit of the said petitioner dated
September 24, 1943, having been read

It is ordered that the petitioner be and he is hereby declared
entitled, as the brother of the above named deceased, to have letters
of administration to the estate of the deceased issued to him unless
the respondents (1) Radagoda Jayamangala Durayalagedera alias
Pamunuwa Maduwegedera Elias, (2) Radagoda Jayamangala
Durayalagedera alias Pamunuwa Maduwegedera Tikiri Duraya,
(3) Radagoda Jayamangala Durayalagedera alias Pamunuwa
Maduwegedera Balaya, (4) Radagoda Jayamangala
Durayalagedera alias Pamunuwa Maduwegedera Sirisena, (5)
Radagoda Jayamangala Durayalagedera alias Pamunuwa Maduwe-
gedera Jayasena, (6) Radagoda Jayamangala Durayalagedera alias
Pamunuwa Maduwegedera Andilawathie, all of Pamunuwa, aforesaid,
(7) Radagoda Jayamangala Durayalagedera alias Pamunuwa
Maduwegedera Kiri Bandu of Kadawatalagama, Kadugunawa,
(8) Radagoda Jayamangala Durayalagedera alias Pamunuwa
Maduwegedera Balelu of Horampella in Dasiya pattu of Alutkuru
korale Negombo District, and (9) Raapakseggedera Ukku Amma of
Haputale in Gandahe korale of Pata Hewiteta, or any other person
or persons interested shall on or before November 29, 1943, show
sufficient cause to the satisfaction of this court to the contrary

October 4, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Patabendige
Jurisdiction Sylvester Cooray, deceased, of Government
No T 393 Industrial School, Gampola

THIS matter coming on for disposal before C Nagalingam, Esq.,
District Judge, Kandy, on October 11, 1943, in the presence of
Messrs Abeykoon & Das Desinghe, Proctors, on the part of the
petitioner, Panagodage Laurie Margaret Cooray nee Fernando of
Gampola, and the affidavit of the said petitioner dated October 4,
1943, having been read

It is ordered that the petitioner be and she 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 (1) Syinet Mural Cooray, (2) Demmy Raymond

Cooray, (3) Catherine Elizabeth Cooray, (4) Francis Sals Cooray, (5) Mercy Margaret Cooray, (6) Christie Joseph Cooray, (7) Elen Matilda Cooray, all of Gampola, and (8) Panagodge Emanuel Richard Fernando of 463, Moratumulla, Moratuwa, or any other person or persons interested shall, on or before November 29, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 8th respondent be appointed guardian *ad litem* over the minors, the 1st to 7th respondents, unless the respondents or any other person or persons interested shall, on or before November 29, 1943, show sufficient cause to the satisfaction of this court to the contrary.

C NAGALINGAM,
District Judge

October 11, 1943

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late
Jurisdiction Hettiaratchige John Perera, deceased, of Gampola
No T 396

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on October 18, 1943, in the presence of Mr V R Wickramatilake, Proctor, on the part of the petitioner, Hettiaratchige Hettiaratchige Perera of Gampola, and the affidavit of the said petitioner dated October 13, 1943, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the niece of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents (1) Hettiaratchige Hettiaratchige Perera, wife of Dassanayake Liyanage Don Anis Appahamy of Atahage, and (2) K K Juliana Hamme of Gampola, or any other person or persons interested shall, on or before December 2, 1943, show sufficient cause to the satisfaction of this court to the contrary.

C NAGALINGAM,
District Judge

October 18, 1943

In the District Court of Kandy

Order Nisi declaring Will proved, &c

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Dodandeniyegedera Samadani, deceased, of
No T 397 Ellpedde estate, Norwood

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on October 19, 1943, in the presence of Mr V R Wickramatilake, Proctor, on the part of the petitioner, Jerome Ram Toke, presently of Galpulla group, Panwala, and the affidavits of the said petitioner dated October 19, 1943, and of the attesting witnesses dated October 9, 1943, having been read

It is ordered that the last will of the above named deceased dated September 20, 1942, and now deposited in this court, be and the same is hereby declared proved, unless the respondents (1) Dodandeniyegedera Hawadrya, (2) Meelagammullegegedera Pinne, (3) Dodandeniyegedera Bandiya, (4) Dodandeniyegedera Mallandu, all of Vilana in Udugampaha of Harispattu and (5) Dodandeniyegedera Kumudu of Kalapitiya in Matale, or any other person or persons interested shall, on or before December 2, 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 the said respondents or any other person or persons interested shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

C NAGALINGAM,
District Judge

October 19, 1943

In the District Court of Nuwara Ehya

Testamentary In the Matter of the Intestate Estate of Kana
Jurisdiction Navanna Muna Nagappa Chettiar of Valayapattu,
No 364 Pudukottah State, South India, deceased

Kana Navanna Muna Nawanna Ramanathan Chettiar of St
Leonards, Malgranoys Petitioner

And

(1) Meenatchi Aitch of Valayapattu, Pudukottah State, South India, (2) Kana Navanna Muna Nawanna Sivanivasagam Chettiar of Valayapattu Pudukottah State, South India (3) Rasuatchi of Meenatchi, South India (4) Sornam Athi of A Thekkur, Ramnad District, South India, and (5) Thun Junadeon Saldin, Secretary of the District Court of Nuwara Ehya Respondents

THIS matter coming on for disposal before T P P Goonetilleke, Esq., District Judge of Nuwara Ehya, on October 28, 1943, in the presence of Mr V C Modder, Proctor, on the part of the petitioner and the affidavit of the petitioner dated October 22, 1943 and the order of the Supreme Court dated May 17, 1943, and the minutes of consent of the 1st, 3rd, and 4th respondents above named 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 intestate estate of the said deceased issued to him, unless the above named respondents or any other person or persons interested shall, on or before November 20, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the above named 5th respondent be and he is hereby appointed guardian *ad litem* of the 2nd minor respondent for the purpose of representing him in these proceedings

T P P GOONETILLEKE,
District Judge

Nuwara Ehya, October 28, 1943

B 2

In the District Court of Galle

Order Nisi declaring Will proved

Testamentary In the Matter of the Last Will of the late Mudu-
Jurisdiction gamuwe Hewage Siyadonis, deceased, of
No 8,054 Keembriya

Mudugamuwe Hewage Sido of Keembriya Petitioner

THIS matter coming on for disposal before M A Samarakoon, Esq., District Judge of Galle, on September 8, 1943, in the presence of Mr F M Dheer, Proctor, on the part of the petitioner, and the affidavit of the petitioner, Mudugamuwe Hewage Sido, dated August 31, 1943, having been read

It is ordered that the will of Mudugamuwe Hewage Siyadonis dated July 12, 1942, be and the same is hereby declared proved, unless any persons interested shall on or before October 15, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said Mudugamuwe Hewage Sido named in the said last will be and he is declared entitled to have probate of the same issued to him accordingly, unless anyone interested shall, on or before October 15, 1943, show sufficient cause to the satisfaction of this court to the contrary.

M A SAMARAKOON,
District Judge

September 8, 1943

This Order Nisi is extended for November 26, 1943

M A SAMARAKOON,
District Judge

In the District Court of Galle

Order Nisi

Testamentary In the Matter of the Estate of the late Nanayak
Jurisdiction karawassan Telkada Palliye Guuge Don Deas
No 8,061 do Silva of Lelkada, deceased

Nanayakkarawassan Telkada Palliye Guuge Arthur Dias of
Lelkada in the Gangaboda pattu, Galle Petitioner

And

(1) Godakanda Aratchige Maggie, (2) Nanayakkarawassan Telkada Palliye Guuge Leelawathie, (3) Nanayakkarawassan Telkada Palliye Guuge Pemawathie, all of Lelkada Respondents

THIS matter coming on for disposal before M A Samarakoon, Esq., District Judge of Galle, on October 20, 1943, in the presence of Mr Mohamed S Marikar, Proctor, on the part of the petitioner, and the affidavit of the said petitioner dated October 18, 1943, having been read

It is declared that the petitioner above named be and he is hereby declared entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before November 26, 1943, show cause to the satisfaction of this court to the contrary.

M A SAMARAKOON,
District Judge

October 20, 1943

In the District Court of Matara

Order Nisi

Testamentary In the Matter of the Intestate Estate of Hewa
Jurisdiction Koperage Jakoris de Silva, late of Kahawatta in
No 4,170 West Guruwa pattu, deceased

(1) Hewa Koperage Jams de Silva of Dickwella, (2) ditto
Johanes de Silva of Kahawatta Petitioners

And

(1) Hewa Koperage Singheappu de Silva of Kahawatta, (2) ditto Mihan Serasinghe of Hakmana, (3) ditto Sarnela Gaha weera of Kahawatta, (4) ditto Alice Mutucumarana of Berala panatara, (5) ditto Leelawathie Serasinghe of Akuressa, (Hewa Koperage Dharma Abeygunawardena, dead, heirs 6-10 respondents), (6) Umalwala Kankaranga Cyril of Dayatalawa, (7) ditto Danister of Dickwella, (8) ditto Matilda of Kahawatta, (9) ditto Sreematha of ditto, (10) ditto Lilly of ditto (the 9th and 10th respondents are minors, by their guardian *ad litem* the 7th respondent), (Hewa Koperage Arnoldhamy, dead, heirs are 11th and 12th respondents), (11) Darius Ameraweera of Kahawatta, (12) Emona Mutucumarana of Dickwella, (Hewa Koperage Soppona, dead, heirs are 13-23 respondents), (13) Senulawathie Ameraweera of Kahawatta, (14) Somawathie ditto of ditto, (15) Francis ditto of ditto, (16) Ariyadasa ditto of ditto, (17) Gunapala ditto of ditto, (18) Selmona ditto of ditto, (19) Wilson ditto of ditto, (20) Hemalatha ditto of ditto, (21) Wimalasini ditto of ditto, (22) Tilakawathie ditto of ditto, (23) Wansawathie ditto of ditto (the 16th to 23rd respondents are minors, by their guardian *ad litem* the 15th respondent), (24) Gardias Samarawickrema of Meddawatta Respondents

THIS matter coming on for disposal before S S J Goonesekera, Esq., District Judge of Matara, on March 5, 1943, in the presence of Mr E Dissanayake, Proctor, on the part of the petitioners above named, and that affidavit of the said petitioners dated February 27, 1943, having been read it is ordered (a) that the 7th respondent be and he is hereby appointed guardian *ad litem* over the 9th and 10th minor respondents and that the 15th respondent be and he is hereby appointed guardian *ad litem* over the 16-23 minor respondents to represent them for all purposes of this action, (b) that the petitioners be and they are hereby declared entitled, as sons of the said deceased above named, to have letters of administration to

his estate issued to them, unless the respondents above named or any other person or persons interested shall, on or before May 10, 1943, show sufficient cause to the satisfaction of this court to the contrary

S S J GOONESEKERA,
District Judge
March 5, 1943
Date extended for July 12, 1943
S S J GOONESEKERA,
District Judge
Date extended for August 23, 1943
S S J GOONESEKERA,
District Judge
Date extended for September 20, 1943
S S J GOONESEKERA,
District Judge
Date extended for October 18, 1943
S S J GOONESEKERA,
District Judge
Date extended for November 22, 1943
S S J GOONESEKERA,
District Judge

In the District Court of Jaffna
Order Nisi

Testamentary In the Matter of the Estate of the late Nagamma,
Jurisdiction wife of Kathgesu Nagalingam of Pungudutivu
No 113 East, deceased

Karthgesu Nagalingam of Pungudutivu East Petitioner
Vs

(1) M. Murgesu Sinnadurai, (2) P. Supathypillai Kathravelu,
(3) Muttiah Kathravelu, and (4) wife, Kasammah, (5) Muttup
pillai, widow of Appucuddy, (6) Swaminathar Nallathamby,
and (7) wife, Pannachey, all of Pungudutivu East Respondents

THIS matter coming on for disposal before G C Thambayah, Esq., District Judge, Jaffna, on May 8, 1943, in the presence of Mr V K Subramaniam, Proctor, on the part of the petitioner, and the affidavit of the petitioner dated May 3, 1943, having been read

It is ordered that letters of administration to the estate of the deceased above named be issued to the petitioner, as the lawful husband of the deceased, unless the respondents shall appear before this court on June 4, 1943, and show cause to the satisfaction of this court to the contrary

G C THAMBYAH,
District Judge
May 8, 1943
Time to show cause extended to November 26, 1943
(Intld) J J
District Judge
September 24, 1943

In the District Court of Kurunegala
Order Nisi

Testamentary In the Matter of the Estate of the late Tenne
Jurisdiction William Maralande of Maralande Walawwa in
No 4,486 Gandahé korale of Weudawill hatpattu, deceased

Armstrong Peter Maralande of Seebel's place, Peradeniya
road, Kandy Petitioner
Vs

(1) Mallika Maralande, (2) Enid Maralande, both of Maralande
Walawwa in Gandahé korale, (3) Seneviratne Maralande of
Gampola Respondents

THIS matter coming on for disposal before H A de Silva, Esq.,
District Judge of Kurunegala, on November 2, 1943, in the presence

of Mr R E de S Jayasundara, Proctor for the petitioner above named, and the affidavit of the petitioner dated October 31, 1943 having been read

It is ordered that the said petitioner be and he is hereby declared entitled, as the eldest son of the above named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before December 13, 1943, show sufficient cause to the satisfaction of this court to the contrary

H A DE SILVA,
District Judge
November 2, 1943

In the District Court of Anuradhapura
Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Jayasinghe Arachchige Wilham Singho of Anu
No 499 radhapura, deceased

Mudunkotuwa Podi Appuhamy of Anuradhapura Petitioner
Vs

(1) Isabela Hamme of Nuwafawewa, Anuradhapura, (2) J A
Sumanawathy of Railway Approach road, Anuradhapura,
(3) J A Seelawathy of ditto, (4) J A Kusumawathy of
ditto Respondents

THIS matter coming on for disposal before T Quintin Fernando, Esq., District Judge of Anuradhapura, on July 29, 1943, in the presence of Mr S Nataraja, Proctor, on the part of the petitioner, and the affidavit of the petitioner dated July 26, 1943, and the affidavit of the attesting Notary dated July 27, 1943, having been read

It is ordered that the will of Jayasinghe Arachchige William Singho, deceased, No 1,504 dated July 25, 1935, and attested by S Nataraja, Notary Public, do and the same is hereby declared proved, unless the respondents or any other person shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the petitioner is the executor named in the said will, and that he is entitled to have probate of the same issued to him, accordingly, unless the respondents or any other persons shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

T QUINTIN FERNANDO,
District Judge
July 29, 1943

Time to show cause against the *Order Nisi* extended to November 8, 1943

T QUINTIN FERNANDO,
District Judge
October 21, 1943

Time to show cause extended to November 29, 1943

T QUINTIN FERNANDO,
District Judge
November 8, 1943

DRAFT ORDINANCES

(Continued from page 586)

MINUTE

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

L D —O 14/39

An Ordinance to amend the Ordinance intituled "An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith"

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 Village Tribunals Amendment Ordinance, No of 1943

Village
Tribunals Bill
to be amended
in the event of
that Bill
becoming law

2 In the event of the Bill intituled "An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith" receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Gazette*, that Ordinance shall, on and after the date of the publication of such Proclamation, have effect with the amendments specified in the Schedule hereto, and the Clerk of the State Council shall, as soon as may be after that date, cause that Ordinance to be printed by the Government Printer with all the aforesaid amendments duly made therein

SCHEDULE

Amendments to the Ordinance referred to in section 2

1 For the Long Title, there shall be substituted the following —

“An Ordinance to provide for the establishment of Rural Courts to declare existing Village Tribunals to be Rural Courts to define the jurisdiction and powers of Rural Courts and to make provision for all matters connected with or incidental to the aforesaid matters”

2 In section 1, for the words “Village Tribunals”, there shall be substituted the words “Rural Courts”

3 In each of the following, that is to say—

- (1) in the headings to the several Parts of the Ordinance,
- (2) in the marginal notes to the several sections,
- (3) in section 2 (1), sections 3 to 10, and sections 12 to 56, and
- (4) in the headings to the First and the Second Schedules, and in the provisions of those Schedules,

wherever the words “Village Tribunal” or the word “Tribunal” may occur, there shall be substituted the words “Rural Court”, and wherever the words “Village Tribunals” may occur, there shall be substituted the words “Rural Courts”

4 In sections 2 (1) and 6, wherever the words “Chief Headman’s Division” may occur, there shall be substituted the words “Revenue Division”

5 In section 2 (2)—

- (1) for the words “Village Tribunal” where they occur for the second time and the third time, there shall be substituted the words “Rural Court”, and
- (2) for the words “and shall have,” there shall be substituted the words “and shall accordingly adopt that designation and have,”

6 In section 3 (5), for all the words from “Every President” to “deemed to be appointed under this Ordinance”, there shall be substituted the words—

“Every President or Additional President of a Village Tribunal, appointed or deemed to have been appointed under any Ordinance repealed by this Ordinance and holding office on the date on which this Ordinance comes into operation, shall be deemed to be the President or Additional President, as the case may be, of the Rural Court of the area for which the Village Tribunal was established,”

7 Section 11 shall be repealed

8 In section 14, for all the words from “The District Judge shall” to “with the decision of the District Judge”, there shall be substituted the words—

“The District Judge shall thereupon decide the question as to jurisdiction, and the case shall be tried and determined by the Court specified in his decision”

9 In section 56—

- (1) the definitions of “Chief Headman’s Division” and of “Court” shall be omitted,
- (2) in the definition of “local jurisdiction”, for the words “Chief Headman’s Division”, in both places where they occur, there shall be substituted the words “Revenue Division”,

(3) immediately after the definition of "prescribed", there shall be inserted the following new definition —

' "Revenue Division" means a Divisional Revenue Officer's Division within the meaning of the Headmen (Change of Designation) Ordinance, No 11 of 1941, '

10 In section 58, immediately after sub section (1), there shall be inserted the following new sub section —

' (1A) Every prosecution, action or other proceeding referred to in sub section (1) may be heard, continued and determined by the Rural Court of the area for which the Village Tribunal was established, in all respects as if such prosecution, action or other proceeding had been instituted in or commenced by such Rural Court "

11 Sections 12 to 58, amended as heretofore provided, shall be re numbered as sections 11 to 57, respectively, and every reference in the Ordinance to any of those sections shall accordingly be amended by the substitution of the new number of that section for the original number

12 The following new section shall be inserted immediately after the renumbered section 57, and shall have effect as section 58 of the Ordinance —

| | |
|---|--|
| Construction and amend ment of other laws containng references to Village Tribunals | " 58 With effect from the appointed date every reference to a Village Tribunal contained in any written law other than this Ordinance shall, unless the context otherwise requires, be read and construed as a reference to a Rural Court, and at the next subsequent reprinting of such law every such reference shall be amended by the substitution of the words " Rural Court " for the words " Village Tribunal " or any grammatical or other variation thereof " |
|---|--|

Objects and Reasons

Since the introduction of the Village Tribunals Bill in the State Council it has been found that it would be preferable to do away with the provisions of that Bill which exclude certain categories of persons from the jurisdiction of the Tribunals. The object of the present Bill is to make provision for the repeal of Clause 11 of the Village Tribunals Bill (item 7 of the Schedule)

2 The opportunity is also taken to change the designation " Village Tribunal " to that of " Rural Court " as the former will cease to be appropriate. The necessary amendments to secure this change have also been set out in the Schedule

3 As the Village Tribunals Bill has passed the committee-stage and is awaiting the third reading, it has been thought best to proceed with that Bill and to take steps to have both Bills, after they receive His Majesty's assent, promulgated on the same date. Power is, therefore, taken in this Bill to print the principal Bill, after it becomes law, with all the amendments which will be made by this Bill

Colombo, 18th November, 1943

J H B NIBILL,
Legal Secretary