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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. 42 of 1946.

L. D.—O. 34/36.

M. I. A.—B A 261.

An Ordinance to extend the operation of Section 2 (1) of the Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938.

J. C. HOWARD.

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 Galle Municipal Council (Differential Rates) (Fifth Extension) Ordinance, No. 42 of 1946. Short title.

2. Notwithstanding anything contained in sub-section (2) of section 2 of the Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938, sub-section (1) of that section shall continue in operation until the thirty-first day of December, 1947. Continuation of the operation of section 2 (1) of Ordinance No. 31 of 1938.

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

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

Assented to by His Excellency the Officer Administering the Government the Fourth day of October, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 36/46

An Ordinance to amend the Rubber Research Ordinance.

Chapter 302
(Volume VI,
Page 444).

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 Rubber Research (Amendment) Ordinance, No. of 1946. Short title.

2. Section 6 of the Rubber Research Ordinance is hereby amended, in sub-section (1) (a) of that section, as follows :— Amendment of section 6 of Chapter 302.

(1) by the addition, immediately after the words "general revenue : ", of the following :—

" Provided that, during the period commencing on January 1, 1947, and ending on December 31, 1956, there shall be charged, levied and paid, for the purpose aforesaid, an export duty of one fourth

of a cent on every pound of rubber exported from the Island, in lieu of the export duty specified in the preceding provisions of this sub-section.”;

and

- (2) by the substitution, for the words “ Provided, however, that ”, of the words “ Provided further that ”.

Objects and Reasons.

The Rubber Research Board intends to undertake an enlarged programme of research during the next ten years. As the income derived by the Board from the export duty specified in section 6 (1) (a) of the Rubber Research Ordinance (Chapter 302) will not be sufficient to meet the additional expenditure which will be incurred in carrying out this programme, it is proposed that the export duty should be increased from one eighth of a cent to one fourth of a cent on every pound of rubber exported from Ceylon, and that the increased duty should be in force for a period of ten years commencing on January 1, 1947. The object of this Bill is to give effect to the proposal.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Colombo, 10th October, 1946.

MINUTE.

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

L. D.—O. 3/46.

Chapter 140
(Vol. III.,
p. 654).

An Ordinance to amend the Explosives Ordinance.

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

Short title.

1. This Ordinance may be cited as the Explosives (Amendment) Ordinance, No. of 1946.

Amendment of
section 12 of
Chapter 140.

2. Section 12 of the Explosives Ordinance is hereby amended as follows :—

- (1) by the re-numbering thereof as sub-section (1) of section 12 ;
- (2) in the re-numbered sub-section (1) of that section, by the substitution, for the words “ This Ordinance shall not apply ”, of the words “ Nothing in any other section of this Ordinance shall apply ” ;
- (3) by the insertion, immediately after the re-numbered sub-section (1) of that section, of the following new sub-section :—

“ (2) (a) The Governor may make regulations as to the loading, unloading, handling, storing and conveyance of explosives imported or exported for the use of any of the forces or departments or for any service referred to in sub-section (1). Such regulations may be made applicable—

- (i) to any specified port or airport or generally to all ports or airports at which such explosives are loaded or unloaded ; or
- (ii) to any specified premises, place or vehicle or generally to all premises, places or vehicles in which such explosives are stored during transit between a port or airport and their destination.

(b) No regulation made under paragraph (a) shall have effect until it has been approved by the Secretary of State and notification of such approval has been published in the *Gazette*.

(c) Every person who contravenes any regulation made under paragraph (a) shall be guilty of an offence punishable on conviction after summary trial by a Magistrate with a fine not exceeding one thousand rupees.”;

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

“ Special provision as to explosives imported or exported for the use of the Crown.”.

Objects and Reasons.

One of the purposes of the Explosives Ordinance is to prevent the accidents that may arise from the improper handling or storing of explosives. But by virtue of section 12, the Ordinance does not apply to explosives belonging to or under the control of the Services and of government departments. It is clear, however, that the loading, unloading, storing and conveyance of explosives imported by the Services and by Government departments will, if uncontrolled, imperil the safety of ports and airports and of shipping and aircraft. As a matter of fact, it became necessary during the war to impose such control by means of Defence Regulations and orders thereunder. The object of the present Bill is to amend section 12 of the Ordinance so as to enable the Governor to make regulations regarding the loading, unloading, storing and conveyance of explosives imported or exported by the Services and by Government departments.

Colombo, October 12, 1946. A. MAHADEVA,
Minister for Home Affairs.

MINUTE.

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

L. D.—O 26/46.

M. L. A.—D.107/1

An Ordinance to amend the Local Government Service Ordinance, No. 43 of 1945.

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

- | | |
|---|---|
| <p>1. This Ordinance may be cited as the Local Government Service Amendment Ordinance, No. of 1946.</p> | <p>Short title.</p> |
| <p>2. Section 9 of the Local Government Service Ordinance, No. 43 of 1945, (hereinafter referred to as "the principal Ordinance"), is hereby repealed and the following new section substituted therefor :—</p> <p>9. The Commission may appoint, in addition to the Secretary and the Accountant referred to in section 8, such other officers and servants as it may deem necessary for the purpose of carrying out the provisions of this Ordinance. Every officer or servant so appointed shall receive such remuneration as may be fixed by the Commission.</p> | <p>Substitution of new section for section 9 of Ordinance No. 43 of 1945.</p> <p>Other officers and servants.</p> |
| <p>3. Section 10 of the principal Ordinance is hereby amended by the substitution, for all the words from "The Secretary" to "section 9", of the following :—</p> <p>"The officers and servants appointed under section 8 and under section 9 shall constitute the staff of the Commission, and every such officer or servant".</p> | <p>Amendment of section 10 of the principal Ordinance.</p> |
| <p>4. Section 11 of the principal Ordinance is hereby amended as follows :—</p> <p>(a) by the re-numbering thereof as sub-section (1) of section 11 ; and</p> <p>(b) by the addition, immediately after the re-numbered sub-section (1), of the following new sub-section :—</p> <p>"(2) The Commission may authorise the Chairman, subject to such general or special conditions as it may from time to time determine by resolution—</p> <p>(a) to exercise in relation to the staff of the Commission all the powers exercisable by the Head of a Department, in relation to public servants in that Department, under the Public Service Regulations and the Financial Regulations of the Government which are for the time being in force ;</p> <p>(b) to call for applications for vacant posts, obtain any information or explanation, initiate any correspondence or any inquiry or other proceedings, or take any other preliminary step or measure which may, in his opinion, be expedient or necessary for the proper consideration and determination of any matter by the Commission ; and</p> <p>(c) generally to deal with all matters of routine and details of administration."</p> | <p>Amendment of section 11 of the principal Ordinance.</p> |

Insertion of new sections 11A and 11B in the principal Ordinance.

Pensions, &c. to staff of Commission.

Provision for widows and orphans of staff of Commission.
Cap. 296.

Amendment of section 14 of the principal Ordinance.

5. The following new sections shall be inserted immediately after section 11, and shall have effect as sections 11A and 11B, of the principal Ordinance :—

11A. (1) (a) The Commission may, by resolution approved by the Financial Secretary, declare any post on its staff of officers and servants to be a pensionable post or declare any such post to be pensionable so long as it is held by any person specified by name in the resolution, and may on the retirement of the holder of each such post award him a pension or gratuity :

Provided that every person who is transferred or seconded to the staff of the Commission from any pensionable post in the service of the Government or of any local authority shall, during his tenure of any office on the staff of the Commission, be deemed to be the holder of a pensionable post, for all the purposes of this sub-section ; and a resolution as aforesaid shall not be necessary in any such case.

(b) Every pension or gratuity awarded under this sub-section to an officer or servant retiring from the staff of the Commission shall be computed and paid by the Commission in accordance with the provisions (by whatever name called) whereby the grant of pensions, gratuities or allowances to public servants retiring from the service of the Government is regulated ; and for this purpose any option or right of election reserved to such public servants by any of those provisions may in the like circumstances be exercised in the like manner by such retiring officer or servant of the Commission.

(c) Service under the Government or a local authority shall, if it precedes and is continuous with service on the staff of the Commission, be taken into account in the computation of qualifying service for any pension or gratuity under this sub-section and in the computation of the amount of the pension or gratuity to be awarded.

(2) In the case of each post on the staff of the Commission which has not been declared or is not deemed to be a pensionable post under sub-section (1), the officer or servant appointed thereto shall, so long as he is the holder thereof, contribute to the Provident Fund established under Part III ; and the provisions of that Part and the regulations thereunder shall apply to such officer or servant in like manner as if he were a member of the local Government Service.

11B. (1) The Commission may, by resolution approved by the Financial Secretary, declare that any person who is the holder of a post on the staff of the Commission shall be deemed to be a public officer within the meaning of the Widows' and Orphans' Pension Fund Ordinance ; and where a declaration is made by resolution as aforesaid in respect of any person, the provisions of that Ordinance shall, with effect from the date of such resolution or such other date as may be specified therein, apply in the case of that person as though he were a public officer within the meaning of that Ordinance :

Provided that every person seconded or transferred to any post on the staff of the Commission from any post in the service of the Government at any time when he is a contributor under the Widows' and Orphans' Pension Fund Ordinance shall, while he holds that or any other post on the staff of the Commission, be deemed to be a public officer for all the purposes of that Ordinance and be entitled to continue to be a contributor thereunder ; and a resolution as aforesaid shall not be necessary in any such case.

(2) Every person holding a post on the staff of the Commission in respect of whom a declaration has not been made by resolution under sub-section (1) shall, so long as he continues to be on the staff of the Commission, be a contributor to the Widows' and Orphans' Pension Fund established under this Ordinance, with effect from the date of the establishment of that Fund or the date of his appointment to the staff of the Commission, whichever is the later ; and the provisions of this Ordinance and of any regulations thereunder relating to that Fund shall apply in the case of each such person in like manner as if he were a member of the Local Government Service :

Provided that the preceding provisions of this sub-section shall not apply in the case of any person who is exempted therefrom by a resolution of the Commission relating specially to him or generally to any class, grade or description of officers or servants to which he belongs.

6. Section 14 of the principal Ordinance is hereby amended by the substitution, for the words "Urban Councils", of the words "Urban Councils, Town Councils,".

7. Section 21 of the principal Ordinance is hereby amended by the insertion therein, immediately after sub-section (2), of the following new sub-section :—

“(3) Nothing in the Wages Boards Ordinance, No. 27 of 1941, or in any Ordinance amending that Ordinance shall apply or be construed or deemed to apply to or in relation to or in the case of any person who is a member of the Service, notwithstanding that he is employed for the time being under a local authority in or in connexion with any service or undertaking which partakes of the nature of a trade or industry.”

Amendment of section 21 of the principal Ordinance.

8. Section 23 of the principal Ordinance is hereby amended by the insertion therein, immediately after sub-section (2), of the following new sub-section :—

“(3) Nothing in the preceding provisions of this section shall be deemed to render it unlawful for the Commission to commence proceedings in accordance with those provisions, or to continue and complete as far as possible in accordance with those provisions any pending proceedings, against any member of the service in respect of any misconduct or breach of discipline or other cause of complaint which may have occurred or arisen before the appointed date.”

Amendment of section 23 of the principal Ordinance.

9. The following new section shall be inserted immediately after section 58, and shall have effect as section 58A, of the principal Ordinance :—

58A. No action, prosecution or other proceeding, whether civil or criminal, shall be instituted or maintained against any individual member of the Commission in respect of any decision taken or act done or omitted by him in his capacity as such member or by the Commission in its corporate capacity.

Insertion of new section 58A in the principal Ordinance.

Immunity of individual members of Commission.

10. Section 59 of the principal Ordinance is hereby amended in the definition of “local authority” set out therein, by the substitution for the words “Urban Councils” of the words “Urban Councils, Town Councils.”

Amendment of section 59 of principal Ordinance.

11. The First Schedule to the principal Ordinance is hereby amended in Part I thereof, by the omission from each of the paragraphs which commence with the words “Every other post”, of all the words from “which has been” to “required by law”.

Amendment of First Schedule to the principal Ordinance.

12. The amendments made in the principal Ordinance by this Ordinance shall be deemed for all purposes to have taken effect on the first day of April, 1946.

Retrospective effect of amendments.

Objects and Reasons.

The object of this Bill is to introduce certain amendments which have been found to be necessary in the Local Government Service Ordinance, No. 43 of 1945.

2. There is at present an apparent inconsistency between the provisions of section 8 and those of section 9; and the latter section is also silent on the subject of the salary and wages of the officers and servants referred to therein. It is proposed in Clause 2 that a new section should be inserted in the Ordinance in place of the existing section 9. This new section will make it clear that the remuneration of the subordinate officers and servants is to be determined by the Local Government Service Commission in its discretion.

3. As the provisions of the Ordinance now stand, the Commission has itself to deal with numerous matters of detail and administration, and has no power to delegate any of its functions to any other officer or person. The power to delegate minor functions to the Chairman will be conferred on the Commission by the new sub-section (2) which is to be inserted in section 11 by Clause 4.

4. Clause 5 deals with the principal object of this Bill. The provisions in the Ordinance relating to Pensions and Provident Funds apply only to members of the Local Government Service. The persons on the staff of the Commission do not belong to this Service, nor are they entitled to be regarded as public servants for the purposes of the Minute on Pensions, the Public Servants' Provident Fund Ordinance, No. 18 of 1942, or the Widows' and Orphans' Pension Fund Ordinance. It is very necessary that provision should be made for securing to them rights to pensions or gratuities or to benefits under a provident scheme when they retire from the staff of the Commission. It is also necessary to make it possible for such of those officers as may have been transferred from the Public Service to the service of the Commission to continue to contribute to the Widows' and

Orphans' Pension Fund maintained by the Government and for other officers to join the similar Fund which is to be established under the Ordinance for the benefit of the widows and orphans of members of the Local Government Service. The new sections 11A and 11B which are to be inserted in the Ordinance by Clause 5 contain all the provisions that are required in this connexion.

5. The object of the amendments in Clauses 6 and 10 is to include the newly established Town Councils in the scheme of local authorities to which the provisions of the Ordinance apply.

6. The Wages Boards Ordinance, No. 27 of 1941, would ordinarily be applicable in the case of certain classes or groups of members of the Local Government Service. As it is felt that the operation of that Ordinance should not be extended at all to any part of that Service, the necessary amendment is set out in Clause 7.

7. Doubts have been expressed as to the right or power of the Local Government Service Commission to commence or to continue disciplinary proceedings against members of the Service in respect of any misconduct or breach of discipline which may have occurred prior to the date on which the relevant provisions of the Ordinance came into operation. These doubts will be removed by the new sub-section (3) which is to be inserted in section 23 of the Ordinance by Clause 8 of this Bill.

8. An individual member of the Commission should not be liable to be sued or prosecuted for anything done or decided by him in his official capacity as a member of the Commission or by the Commission in its corporate capacity. This immunity will be conferred by the new section 58A set out in Clause 9 of the Bill.

9. In Clause 11, an amendment is proposed to the First Schedule to the Ordinance in order to remove the ambiguity created by some words which are totally unnecessary and should therefore be omitted from the context in which they appear.

10. Many of the amendments made by this Bill were found to be necessary from the very first day on which the relevant provisions of the Ordinance came into operation. Retrospective effect is therefore given to these amendments by Clause 12.

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

Colombo, October 10, 1946.

MINUTE.

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

L. D.—O. 39/42—M./L. A.—B.A. 463A.

An Ordinance to amend the Rent Restriction Ordinance, No. 60 of 1942.

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 Rent Restriction (Amendment) Ordinance, No. of 1946.

Replacement
of section 18
of Ordinance
No. 60 of 1942.

2. Section 18 of the Rent Restriction Ordinance, No. 60 of 1942, is hereby repealed and the following section substituted therefor :—

“ Duration of
Ordinance.

18. This Ordinance shall cease to be in operation on the thirty-first day of December, 1947.”

Objects and Reasons.

The Rent Restriction Ordinance, No. 60 of 1942, as amended by Ordinance No. 2 of 1946, will, under section 18, cease to be in operation on December 31, 1946, or on such earlier date as may be appointed by the Governor. It is now proposed that the principal Ordinance should be kept in force until December 31, 1947. The object of this Bill is to give effect to this proposal.

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

Colombo, October 15, 1946.

MINUTE.

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

L.D.—O. 42/46.

4/7/27 (FSO)

An Ordinance to amend the Income Tax Ordinance.

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 Income Tax (Amendment) Ordinance, No. of 1946. Short title.

2. (1) Section 7 of the Income Tax Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended as follows :— Amendment of section 7 of Chapter 188.

(a) in sub-section (1) of that section—

(i) by the insertion, immediately after paragraph (j), of the following new paragraph :—

"(jj) such emoluments and income as may be exempted from time to time by Order made under sub-section (3);"; and

(ii) by the substitution, for the words "in this sub-section," at the end of that sub-section, of the words "In this sub-section and in sub-section (3),"; and

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

"(3) The Governor may, by Order published in the *Gazette*, exempt from the tax the official emoluments, and any income not arising in or derived from Ceylon, of any Trade Commissioner appointed to Ceylon by the Government of any part of his Majesty's dominions outside Ceylon, and of any persons on the staff of any such Commissioner.

In any such Order the Governor may—

(a) prescribe the conditions subject to which the exemption is granted ;

(b) specify either by name or by office the persons whose emoluments and income are so exempted ; or

(c) limit the exemption to any income derived from any particular source."

(2) An Order under the new sub-section (3) inserted in section 7 of the principal Ordinance by sub-section (1) of this section, shall, if so expressed, be deemed to have had effect from such date prior to the commencement of this Ordinance as may be specified by the Governor in the Order.

Objects and Reasons.

The object of this Bill is to amend section 7 of the Income Tax Ordinance so as to enable the Governor to make Orders exempting from income tax the official salary, and any other income not arising in or derived from Ceylon, of persons appointed as Trade Commissioners in Ceylon of Empire Governments and of members of their staffs.

2. Clause 2 (2) of the Bill gives power to grant the exemption retrospectively.

Colombo, 10th October, 1946.

C. E. JONES,
Financial Secretary.

DISTRICT AND MINOR COURTS NOTICES.**Rural Courts, Balapitiya District.**

UNDER section 19 (2) of Ordinance No. 12 of 1945, I hereby notify that the Rural Courts of the under-mentioned pattus will be held at the following places :—

Name of Korale.	Head Quarter Court.	Circuit Courts.
Bentota Walallawiti korale	Bentota	Kosgoda and Elpitiya
Wellaboda pattu	Ambalangoda	Weragoda, Hikkaduwa and Karawegoda

District Court,
Balapitiya, October 8, 1946.

W. THALGODAPITIYA,
District Judge.

District Court and Court of Requests Notice.

NOTICE is hereby given that the old and valueless records of the District Court and of the Court of Requests bearing numbers as noted below will subject to the Provisions of Section 5 be destroyed in terms of Section 6 of Ordinance No. 12 of 1894, at the expiration of three months from date hereof.

Any person interested in any of these records may personally or by Proctor or by duly authenticated petition claim upon good cause shown that such records may not be destroyed.

D. C. 3317-25-1-08

to

18218-29-11-1935

A. C. R. 19644 30-7-1910

to

27171 - 23-12-1922

1 - 10-1-23

to

8560 - 27-4-34

District Court,
Kurunegala, October 7, 1946.

T. P. P. GOONETILLEKE,
District Judge and
Commissioner of Requests.

NOTICES OF INSOLVENCY.

In the District Court of Panadura.

In the matter of the insolvency of Kumarakawattage Achillus Daniel Fernando of Sarikkalimulla, Panadura, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held on November 14, 1946, to consider the grant of a certificate of conformity to the above-named insolvent.

October 11, 1946.

By order of court, L. F. ROSA,
Secretary

In the District Court of Nuwara Eliya holden at Hatton.

Insolvency In the Matter of the insolvency of Sandanam Case No. 47. Muthu, K. P. of Rockwood estate, Norwood, insolvent.

NOTICE is hereby given that the 2nd sittings and examination of the above-named insolvent will take place at the sittings of this court on November 12, 1946.

By order of court, V. SIVAGNANASUNDERAM,
Secretary.

October 15, 1946.

NOTICES OF FISCALS' SALES.

Western Province.

In the Court of Requests of Avissawella.

Dewayalage Saranelisa of Dannoruwa Plaintiff.
No. 19,713. Vs.

Weerasinghe Mudiyansele Podiralahamy Weerasinghe of Mahalla Defendant.

NOTICE is hereby given that on Monday, November 11, 1946, at 4 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. 225 with legal interest thereon at the rate of 9 per cent. per annum from date of decree till payment in full and costs, viz. :-

An undivided 43/48 share of the land called and known as Dandubadinagalapallehena Pahalakella, situated at Mahalla in Dohigampal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Mahagala separating this land from Mahalla Rubberwatta, east by Gurupaskadahena, south by oya separating Mahalla Rubberwatta, and west by tea estate now Mahalla Rubberwatta; and containing in extent within these boundaries about two pelas of paddy sowing, together with the plantations and everything standing thereon.

Valuation: Rs. 1,200.

Fiscal's Office,
Avissawella, October 15, 1946.

A. V. P. SAMARANAYAKA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

S. M. A. M. Jayasingha of Kaluwella, Galle Plaintiff.
No. X. 312. Vs.

(1) Mohamed Lebbe Marikkar Hadjar Pathumma of Dangedera, Galle, and others Defendants.

NOTICE is hereby given that on Monday, November 18, 1946, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of a sum of Rs. 1,170 together with further interest thereon at the rate of 12 per cent. per annum on Rs. 1,000 from March 1, 1945, up to May 17, 1946, and thereafter with legal interest on the aggregate amount till payment in full and writ costs Rs. 29.92½, less Rs. 500, viz. :-

All those undivided eight forty-eighth (8/48) shares of the land called Bogahawatta bearing assessment No. 133, situated at Dangedera within the Four Gravets of the District of Galle, Southern Province; and bounded on the north by Attikkagahawatta, east by Bogahawatta, south by premises bearing No. 152, and west by Dangedera road; and containing in extent one rood and ten decimal seven perches (A. 0 R. 1 P. 10.73), as per plan No. 65 dated December 7, 1937, made by Mr. C. D. Jayasingha, Licensed Surveyor, and filed of record in Partition Case No. 35747, D. C., Galle.

Fiscal's Office,
Galle, October 12, 1946.

W. P. DALUWATTE,
Deputy Fiscal.

Eastern Province.

In the District Court of Trincomalee.

Aiyiniapillai Seemvappu of Division No. 4, Trincomalee .. Plaintiff.
Vs.

Muhaiyadeenpitchai Cader Muhaiyadeen of Muthur Defendant.

NOTICE is hereby given that on Saturday, November 9, 1946, at 11.30 in the forenoon, will be sold by public auction the following property for the recovery of the sum of Rs. 118.20, Fiscal's fees and charges and poundage, viz. :-

A piece of land situated at Muthur in Koddiyar pattu, Trincomalee District, Eastern Province, together with a tiled house of three rooms, verandahs in front and back, cadjan roofed mandapam and brick built well. Boundaries:—North by land of M. Aiyarthamby, south by road, east by land of Nagoorpitchai, and west by land of Ahamathu Cassim. Of this half share.

Deputy Fiscal's Office,
Trincomalee, October 8, 1946.

B. VRASPILLAI,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Elvitigalage Don Yahonis of Erawwala, deceased.
No. 11,870.

Subeappu Kankanamage Sopiana Perera of Erawwala .. Petitioner.

Vs.

(1) Elvitigalage Don Liyanaris of Erawwala, (2) ditto Don James of ditto, (3) ditto Don Agris of ditto, (4) ditto Don David of Welhkade Jail, (5) ditto Dona Nissiehamy of Piliandala, (6) ditto Dona Ceeliihamy of Erawwala, (7) ditto Dona Selistinahamy of ditto Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on April 17, 1946, in the presence of Mr. W. H. W. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 6, 1946, having been read: It is hereby ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 2, 1946.

V. E. RAJAKARIER,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi* is extended to September 12, 1946.

July 22, 1946.

S. C. SWAN,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi* is extended to October 3, 1946.

October 4, 1946.

N. SINNETAMBY,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi* is extended to October 31, 1946.

October 4, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Albert Peries Wijetunge of 1123, Third Division, Maradana, Colombo, in the Island of Ceylon, deceased.

No. 12,019.

And

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

Herod Samadasa Gunasekera of Kotahena Mills, Kotahena, Colombo Petitioner.

THIS matter coming on for final disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 18, 1946, in the presence of Mr. Clifford Trevor de Saram, Proctor, on the part of the petitioner, Herod Samadasa Gunasekera of Kotahena Mills, Kotahena, Colombo; and (1) the affidavit of the said petitioner dated July 11, 1946, (2) the affidavit of the attesting notary of the will dated July 13, 1946, and (3) the affidavit of the sole surviving witness to the said last will dated September 14, 1946, having been read: It is ordered that the will of the said Albert Peries Wijetunge, deceased, bearing No. 9 dated February 13, 1932, and attested by Victor Austin Perera Nanayakkara of Colombo, aforesaid, Notary Public (the original of which will 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 Herod Samadasa Gunasekera is the sole executor named in the said will and that he is entitled to have probate thereof issued to him accordingly subject to his tendering the usual oath.

September 26, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Nanayakkara Don Stephen Silva of Lily No. 12,052T. avenue, Wellawatta, deceased.

(1) Amithodana Silva, (2) Nalin Moonesinghe of 52, Nelson place, Wellawatta Petitioners.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 27, 1946, in the presence of Messrs. D. L. & F. de Saram, Proctors, on the part of the petitioners above named; and the affidavit of the said petitioners dated August 2, 1946, and the affidavit of the attesting notary dated August 2, 1946, having been read:

It is ordered that the last will and testament of Nanayakkara Don Stephen Silva, the deceased above named the original of which has been produced and is now deposited in this court be and the same is hereby declared proved and the petitioners are the executors named in the said will and the said petitioners be and they are hereby declared entitled to have probate of the said will issued to them accordingly, unless any person or persons interested shall, on or before November 7, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 27, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Joseph Merian Britto of Galpotte street,
No. 12,067. Kotahena, Colombo, deceased.

Jayammal Britto of Galpotte street, Kotahena,
Colombo Petitioner.

Vs.

(1) Joseph Emmanuel Britto, (2) Mari Rosari Terese Paulin Britto, (3) Joseph Peter Stanley Britto, (4) Mary Antoinette Daisy Britto, all of Galpotte street, Kotahena, Colombo, (5) Joseph Ligouri Coonghe of Galpotte street, Kotahena, Colombo, guardian *ad litem* over the 1st, 2nd, 3rd, and 4th respondents, minors Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 16, 1946, in the presence of Mr. G. R. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 14, 1946, having been read:

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st, 2nd, 3rd, and 4th respondents above named, and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before October 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 30, 1946. W. SANSONI,
Additional District Judge.

The date for showing cause against the foregoing *Order Nisi* is extended to October 31, 1946.

October 14, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Josephine Anne Gomez of Anderson road,
No. 12,090. Colombo, deceased.

Michael Peter Gomez of Bullers lane, Colombo Petitioner.

Vs.

(1) Ruby Gomez, wife of Joseph Louis Corera of Dickman's lane, Colombo, (2) Lucy Gomez, wife of Alex Gaitan Gomez of Negombo, (3) Mercy Gomez, wife of J. M. B. Roche-Victoria of Bullers lane, Colombo, (4) Manuel Xavier Gomez of Bullers lane, Colombo, (5) Joseph Louis Corera of Dickman's lane, Colombo, guardian *ad litem* of the 4th respondent, minor, above named Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on August 30, 1946, in the presence of Mr. G. R. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 19, 1946, having been read:

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor, 4th respondent above named, and the petitioner above named be and he is hereby declared entitled, as the elder brother of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before October 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 14, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

No. 12,091. In the Matter of the Estate of the late
Testy. A. F. Goonesekera of Colombo.

Dagmar Goonesekera of 98, Madampitiya road, Mutwal in
Colombo Petitioner.

Vs.

(1) E. C. A. A. Goonesekera and (2) A. W. K. A. Goonesekera, both minors, appearing by their guardian *ad litem*, (3) E. L. F. Goonesekera of St. James lane, Mutwal, in Colombo, Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 2, 1946, in the presence of Mr. K. Rasanathan, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 15, 1946, having been read:

It is ordered and decreed that the third respondent be and he is hereby appointed guardian *ad litem* over the minors, the first and second respondents above named, and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before October 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 5, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate estate of the late
Jurisdiction. Galbodapayagalago Hendrick Karunaratno of
No. 12,092. Now road, Bentota, deceased.

Hettiarachchigo Alice Karunaratne *nee* de Alwis of Now road in
Bentota aforesaid Petitioner.

Vs.

(1) Galbodapayagalago Mary Josephine Jayawardena *nee* Karunaratne of Padukka, (2) Galbodapayagalago Nolla Josephine Karunaratne and, (3) Galbodapayagalago Simmons Gilmen Karunaratne, both of Now road in Bentota aforesaid; the 3rd respondent a minor, by his guardian *ad litem* the 2nd respondent Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 2, 1946, in the presence of Mr. D. R. de S. Abhayanayako, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 24, 1946, having been read:

It is ordered that the 2nd respondent above named be and she is hereby declared appointed guardian *ad litem* over the minor, the 3rd respondent above named, and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before October 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 3, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Kirige William Dias of Mabolle in Ragam pattu
No. 12,104. of Alutkuru korale, deceased.

Kirige Edwin Dias of Mabolle aforesaid Petitioner.

THIS matter coming on for disposal before N. Sinnetamby Esq., Additional District Judge of Colombo, on September 2, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 23, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the brother of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless any person or persons interested shall, on or before October 31, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of the late Doctor Abraham de Silva Guna-
No. 12,105. sekera of Makewita in the Ragam pattu of
Alutkuru korale, deceased.

Meneriptiya Appuhamillage Dona Beatrice Eleanor Gunasekera
nee Karunaratna of Makewita aforesaid Petitioner.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 12, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 8, 1946, and the affidavit of the notary and one of the attesting witnesses dated August 8, 1946, having been read:

It is ordered that the last will and testament of Doctor Abraham de Silva Gunasekera, deceased, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved and the petitioner is the executrix named in the said will and the said petitioner be and she is hereby declared to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before October 31, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Francis Joseph Alles, Shroff, Chartered
No. 12,108. Bank, Colombo, of 25, Ambalama road, Kotahena,
deceased.

Louis Anthony Rosaro Alles of Jampettah street,
Colombo Petitioner.

Vs.

(1) Dennis Anthony Alles of The Dawn, Mayfield road, Kotahena,
(2) Theresa Nonis Alles of Ternon House, Ambalama road,
Kotahena Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 16, 1946, in the presence of Mr. S. Sivasubramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 14, 1946, the affidavit of the attesting notary dated September 16, 1946, and the affidavit of the attesting witnesses dated September 16, 1946, having been read:

It is ordered that the last will and testament of the late Francis Joseph Alles, the deceased above named the original of which has been produced and is now deposited in this court be and the same is hereby declared proved and the petitioner is the executor named in the said will and the said petitioner be and he is hereby declared entitled to have probate of the said will issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before October 31, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 8, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Jayaweera Mohoppu Aratchige Baron Perera of
No. 12,110. Galkapanawatta road, Grandpass, Colombo,
deceased.

Rupesinghe Aratchige Nonahamy of Galkapanawatta road afore-
said Petitioner.

Vs.

(1) Jayaweera Mohoppu Aratchige Podiappuhamy Perera, (2)
ditto Premawathie Perera, (3) ditto Podimathmaya Perera,
(4) ditto Ellaratne Perera, all of Galkapanawatta, minors, by
their guardian *ad litem*, (5) Ehalarehalage Walter Perera of
De Waas lane, Grandpass, Colombo Respondents.

THIS matter coming on for disposal before N. Sinnetamby,
Esq., Additional District Judge of Colombo, on September 16, 1946,
in the presence of Mr. K. Victor A. Perera, Proctor, on the part of
the petitioner above named; and the affidavit of the said petitioner
dated September 13, 1946, having been read:

It is ordered that the 5th respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minors, the
1st, 2nd, 3rd and 4th respondent above named, and the petitioner
above named be and she is hereby declared entitled, as the widow of
the deceased, to have letters of administration to the estate of the
said deceased issued to her accordingly, unless the respondents
above named or any person or persons interested shall, on or before
October 31, 1946, show sufficient cause to the satisfaction of this
court to the contrary.

September 30, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Eddagodage Peter Perera of 18, Hampden lane,
No. 12,112. Wellawatta, Colombo, deceased.

Timbiripolage Lydia Perera of 18, Hampden lane, Wellawatta,
Colombo Petitioner.

Vs.

(1) Eddagodage Christie Perera, (2) ditto Helen de Alwis *nee*
Perera, (3) ditto Claud Perera, (4) ditto Lydia Fernando *nee*
Perera, (5) ditto Elaine Perera, (6) ditto Mervyn Perera,
(7) ditto Maximus Perera; the 6th and 7th respondents by
their guardian *ad litem*, (8) Adambarage Arthur de Alwis,
all of 18 Hampden lane, Wellawatta Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq.,
Additional District Judge of Colombo, on September 19, 1946, in
the presence of Mr. J. P. Salgadoe, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated September 10, 1946, having been read:

It is ordered that the 8th respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minors, the
6th and 7th respondents above named, and the petitioner above
named be and she is hereby declared entitled, as the widow of the
deceased, to have letters of administration to the estate of the said
deceased issued to her accordingly, unless the respondents above
named or any person or persons interested shall, on or before
October 24, 1946, show sufficient cause to the satisfaction of this
court to the contrary.

October 10, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of the late Gaetan Chinniah Roche of 8, 28th
No. 12,128. lane, off Station road, Wellawatta, Colombo,
deceased.

Josephine Roche, *nee* Devotta of 8, 28th lane, off Station road,
Wellawatta, Colombo Petitioner.

THIS matter coming on for disposal before N. Sinnetamby,
Esq., Additional District Judge of Colombo, on October 9, 1946,
in the presence of Mr. A. R. M. Razeen, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated August 26, 1946, and the affidavit of the attesting witnesses
dated August 26, 1946, having been read:

It is ordered that the last will and testament of Gaetan Chinniah
Roche, the deceased above named the original of which has been
produced and is now deposited in this court be and the same is
hereby declared proved, and the petitioner is the executrix named
in the said will and the petitioner be and she is hereby declared
entitled to have probate of the said will issued to her accordingly,
unless any person or persons interested shall, on or before October
31, 1946, show sufficient cause to the satisfaction of this court
to the contrary.

October 14, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate, of the late Herbert
Jurisdiction. Henry Heinemann, deceased, of Kadawatte.
No. 12,136.

Edith Maud Heinemann of 41, Jawatte road, Colombo. . . Petitioner.

THIS matter coming on for disposal before N. Sinnetamby,
Esq., Additional District Judge of Colombo, on October 1, 1946, in
the presence of Messrs. D. L. & F. de Saram, Proctors, on the part
of the petitioner; and the affidavit of the above-named petitioner
dated September 9, 1946, and the affidavit of the attesting notary
dated September 3, 1946, having been read:

It is ordered that the will of Herbert Henry Heinemann of Kada-
watte deceased dated November 30, 1945, and numbered 167, be and
the same is hereby declared proved, unless any person or persons
interested shall, on or before November 14, 1946, show sufficient
cause to the satisfaction of this court.

It is further declared that the said petitioner is the executrix
named in the said 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 November 14, 1946, show sufficient cause to the
satisfaction of this court to the contrary.

October 8, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Henry Ernest Tizard of Srinagar, Kashmir,
No. 12,139. India, 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 Henry Ernest Tizard of Srinagar,
Kashmir, India, deceased, granted by the Principal Probate Registry
of His Majesty's High Court of Justice at Llandudno on April 11,
1945.

JULIUS & CREASY,
Proctors for Theodore James De La Mare, attorney for
Lloyds Bank, Limited, the sole executor of the last
will and testament of Henry Ernest Tizard, deceased.
Colombo, September 30, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Howard
Jurisdiction. Goodhart Mason, a Major 3/1 Punjab Regiment,
No. 12,142. late of Colombo in the Island of Ceylon, deceased.

THIS matter coming on for disposal before N. Sinnetamby,
Esq., Additional District Judge of Colombo, on October 2, 1946, in
the presence of Beram Kalkushroo Billimoria of Colombo, Proctor,
on the part of the petitioner, Frederick Claude Rowan of Colombo;
and the affidavit of the said petitioner dated September 30, 1946,
the letter from the Adjutant General in India, power of attorney in
favour of the petitioner and Supreme Court's order dated September
19, 1946, having been read: It is ordered and declared that the said
petitioner is one of the attorneys of the lawful mother and the sole
surviving heir and next of kin of the said deceased and that he is
entitled to have letters of administration to the Intestate estate of
the said deceased issued to him accordingly, unless any person or
persons interested shall, on or before November 7, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

October 7, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament and
Jurisdiction. Codicils of Louisa Henry Smith of 4, Wilbury
No. 12,143. Gardens, Hove, in the County of Sussex, England,
widow, deceased.

THIS matter coming on for disposal before N. Sinnetamby,
Esq., Additional District Judge of Colombo, on October 3, 1946, in
the presence of Messrs. Julius & Creasy, Proctors, on the part of the
petitioner, Godfrey Cullingford Beaumont of Colombo; and the
affidavit of the said petitioner dated October 1, 1946, a certified copy
of probate, a certified copy of the last will and testament and
codicils of the above-named deceased, power of attorney in favour of
the petitioner and Supreme Court's order dated May 28, 1946, having
been read: It is ordered that the will of the said deceased dated
June 4, 1941, and two codicils thereto dated December 16, 1941, and
May 30, 1942, of which a certified copy has been produced and is
now deposited in this court be and the same is hereby declared
proved; and it is further declared that the said petitioner is one of the
attorneys of the executors named in the said will and that he is
entitled to have letters of administration with a copy of the said
will and codicils annexed issued to him accordingly, unless any
person or persons interested shall, on or before November 7, 1946,
show sufficient cause to the satisfaction of this court to the contrary.

October 7, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mary Elizabeth Bate of Valley Edge, Tintagel in the County of Cornwall, widow, deceased.
No. 12,144.

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 Mary Elizabeth Bate of Valley Edge, Tintagel, in the County of Cornwall, widow, deceased, granted by the District Probate Registry of His Majesty's High Court of Justice at Bodmin on April 25, 1946.

F. C. ROWAN,

Attorney for Bernard Hartley Richard the sole executor of the last will testament of Mary Elizabeth Bate, deceased.

Colombo, October 2, 1946.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Mihndukulasuriya Gabriel Peter Fernando of Kudapaduwa, Negombo, deceased.
No. 3,389.

Mihndukulasuriya Peter Shirley Orlane Fernando of Negombo Petitioner.

Vs.

- (1) Mihndukulasuriya Primrose Therese Veronica Fernando; (2) Mihndukulasuriya Eileen Mary Ana Fernando, (3) ditto Phylis Christobel Clare Fernando, (4) ditto Noelina Marie Rita Eutropia Fernando, (5) ditto Cletus Marie Remegius Devadatus Fernando, all of Kudapaduwa, Negombo, minors, (6) ditto Gabriel John Fernando of Patipana street, Chilaw Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, in the presence of Hector J. Fernando, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated July 30, 1946, having been read:

It is ordered that the 6th respondent above named be appointed guardian *ad litem* over the 2nd to 5th respondents above named, minors, to represent them for all the purposes of this action and that the petitioner above named be and he is hereby declared entitled, as the eldest son of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before October 28, 1946, show sufficient cause to the contrary

LEONARD B. DE SILVA,
District Judge.

September 30, 1946.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Alagiri Chettiar, son of Alagiri Chettiar of Gampola, deceased.
No. 625.

Santi Veeri Ammal, wife of Alagiri Chettiar of 43, Ambagamuwa road, Gampola Petitioner.

And

- (1) Ramasamy Chettiar, son of Alagiri Chettiar and (2) Letchumanan Chettiar, son of Alagiri Chettiar, both presently of 43, Ambagamuwa road, Gampola Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on October 4, 1946, in the presence of T. Sinnappah, Proctor, on the part of the petitioner, Santi Veeri Ammal, wife of Alagiri Chettiar of 43, Ambagamuwa road, Gampola; and the affidavit of the said petitioner dated October 3, 1946, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration of the estate of the said deceased issued to her, unless the respondents above named—(1) Ramasamy Chettiar, son of Alagiri Chettiar and (2) Letchumanan Chettiar, son of Alagiri Chettiar, both presently of 43, Ambagamuwa road, Gampola—or any other person or persons interested shall, on or before October 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

H. A. DE SILVA,
District Judge.

October 4, 1946.

In the District Court of Balapitiya.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of Ismail Lebbe Marikkar Mohammado Lebbe Marikkar of Thunduwa, deceased.
No. T 22.

In the matter of Chapter 38 of the Civil Procedure Code of 1889.

Mahammado Lebbe Marikkar Ahamad Ismail of Thunduwa Petitioner.

Vs.

- (1) Idroos Lebbe Marikkar Ummu Habiba for herself and as guardian *ad litem* over 2nd to 8th minor respondents, (2) Mohommadu Lebbe Marikkar Abdul Haleem, (3) ditto Paththu Umma, (4) ditto Subeida Umma, (5) ditto Abdul Cader, (6) Hadi Lebbe Marikkar Husaina Umma, (7) ditto Abdulla, (8) Abdul Sami Lebbe Marikkar Kosali, all of Thunduwa Respondents.

THIS matter coming on for disposal before W. Thalagodapitiya, Esq., District Judge, Balapitiya, on July 3, 1946, in the presence

of Messrs. W. de Z. Gunasekera & M. D. de Silva, Proctors, on the part of the petitioner above named; and the affidavit (1) of petitioner dated July 2, 1946, and (2) the affidavit of the Notary attesting the will and of the witnesses dated May 20, 1946, having been read:

It is ordered that the last will and testament of Ismail Lebbe Marikkar Mohammado Lebbe Marikkar the deceased above named bearing No. 2556 dated February 4, 1936, and attested by A. E. P. Jayatilake, Notary Public of Galle, the original of which will has been produced and is now deposited in this court be and the same is hereby declared proved; and the petitioner above named is the executor named in the said will and the said petitioner be and he is hereby declared entitled to have probate of the said will issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before October 30, 1946, show sufficient cause to this court to the contrary.

It is further ordered that the 1st respondent above named be and he is hereby appointed guardian *ad litem* over the 2nd to 8th minor respondents to represent them for all purposes of this action.

October 9, 1946.

W. THALGODAPITIYA,
District Judge.

In the District Court of Balapitiya.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Siman Hewa Uberis de Silva of Keraminiya, deceased.
No. 17.

Siman Hewa Baron de Silva of Keraminiya in Ambalangoda Petitioner.

Vs.

- (1) Peththawadu Rengishamy, (2) Siman Hewa Bastian de Silva alias S. H. O. Sumanasena, (3) Siman Hewa Cornelis de Silva, (4) Siman Hewa Podisingho de Silva alias S. H. P. Sumanasena, all of Keraminiya aforesaid, (5) Siman Hewa Missinona de Silva of Maha-Ambalangoda in Ambalangoda, (6) Siman Hewa Thomas de Silva alias S. H. Wijopala, (7) Siman Hewa Mendis de Silva alias S. H. Arthur de Silva, both of Keraminiya, (8) Siman Hewa Sumanawathne of Vilegoda in Ambalangoda, (9) P. Richard de Silva, (10) P. Wijaya Fremawathne de Silva, (11) P. Hilda de Silva, (12) P. Ariyawansa Buddadasa de Silva, (13) P. Hema de Silva, all of No. 6 Bungalow, Bandarawela, appearing by their guardian *ad litem* the 9th respondent Respondents.

THIS matter coming on for disposal before Walter Thalagodapitiya, Esq., District Judge of Balapitiya, in the presence of Mr. E. J. de Silva, Proctor for the petitioner, on May 1, 1946; after reading the affidavit dated February 19, 1946, and the petition dated May 1, 1946, of the petitioner, and the 9th respondents, and the minors, 11th, 12th and 13th respondents being present:

It is ordered that the 9th respondent, the father of the 11th, 12th and 13th respondents, be appointed guardian *ad litem* over the said minors, unless the said respondents or any other person or persons interested shall, on or before June 12, 1946, show sufficient cause to the contrary to the satisfaction of this court.

It is further ordered that the petitioner, a son of the deceased, is entitled to letters of administration issued accordingly, unless the said respondents or any other person or persons interested shall, on or before June 12, 1946, show sufficient cause to the contrary to the satisfaction of this court

May 1, 1946. W. THALGODAPITIYA,
District Judge.

Extended and re-issued for June 12, 1946.

W. THALGODAPITIYA,
District Judge.

Extended and re-issued for July 3, 1946.

W. THALGODAPITIYA,
District Judge.

Extended and re-issued for August 14, 1946.

W. THALGODAPITIYA,
District Judge.

Extended and re-issued for September 18, 1946.

W. THALGODAPITIYA,
District Judge.

Extended and re-issued for October 23, 1946.

W. THALGODAPITIYA,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Madde Kandege James alias Edwin, late of Minuwangoda, Galle, deceased.
No. 8,202.

Kahanda Polhene Kankanange Leidinnona of Elliott road, Galle Petitioner.

Vs.

- (1) Madde Kandege Somapala of Elliott road, Galle, a minor by his guardian *ad litem* (2) Don Nikulas Gunasekera of Godakanda Respondents.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., District Judge of Galle, on September 23, 1946, in the presence of Mr. W. M. Kulatileke, Proctor, on the part of the petitioner, Kahanda Polhene Kankanange Leidinnona of Elliott road, Galle; and the affidavit of the said petitioner dated September 4, 1946, having been read:

It is ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* over the minor. 1st respondent, and that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 23, 1946.

S. J. C. SCHOKMAN,
District Judge.

In the District Court of Tangalla.

Order Nisi.

No. 1,402. In the Matter of the Last Will and Testament of Thomishamy Abeysinghe Kodippili, late of Tangalla, deceased.

Buddhadasa Charles Abeysin Kodippili of Ranna ... Petitioner.

Vs.

(1) Balahamy Jayasinghe of Tangalla, (2) Sirisona Abeysin Kodippili of Palatuduwa ... Respondents.

THIS matter coming on for disposal before Roland de Soysa, Esq., District Judge, Tangalla, on August 24, 1946, in the presence of Mr. D. M. Wannigama, Proctor, on the part of the petitioner above named; and the affidavit dated April 23, 1946, of the said petitioner and the affidavit of the attesting notary dated July 8, 1946, and of the two attesting witnesses Mohamed Raffi Haniffa of Tangalla dated July 5, 1946, and of Edmund Simon Galapathi of Tangalla dated July 11, 1946, having been read:

It is ordered that the last will of Thomishamy Abeysinghe Kodippili, late of Tangalla, deceased of which the original has been produced and now deposited in this court be and the same is hereby proved, unless any person or persons interested in the above last will shall, on or before September 11, 1946, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the petitioner is the executor named in the said last will and that he is entitled to have probate issued to him accordingly, unless any person or persons interested shall, on or before September 11, 1946, show sufficient cause to the satisfaction of the court to the contrary.

August 24, 1946.

Publication for October 4, 1946.

September 11, 1946

Publication extended to November 1, 1946.

October 4, 1946.

R. SOYSA,
District Judge.R. SOYSA,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last will and Testament of Jurisdiction. Nagamuttar Thambipillai Mudalar of Kopay No. 602. South, deceased.

Valliammaipillai widow, of Nagamuttar Thambipillai Mudalar of Kopay South ... Petitioner.

Vs.

(1) Nagamuttar Thambipillai Mudalar Theiventira Kumaraswamy of Kopay South, a minor, (2) Nagamuttar Thambirajah of Pannalaikkadduvan South; the 1st respondent is a minor appearing by his guardian *ad litem* the 2nd respondent ... Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 10, 1946, in the presence of Mr. W. Muttukumaraswamy, Proctor, on the part of the petitioner; and the affidavits of the petitioner, the Notary Public and the attesting witnesses having been read and filed of record.

It is ordered that (a) the above-named 2nd respondent be appointed guardian *ad litem* over the 1st respondent above named who is a minor, to represent him in this action, (b) that the last will and testament executed by the deceased above named and filed of record be hereby declared proved, (c) that probate be granted to the petitioner above named as executrix named in the last will and testament of the above-named deceased, unless the respondents above named or any other person show sufficient cause to the contrary to the satisfaction of this court on or before October 22, 1946.

September 10, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Elhathamby Veluppillai of Chulipuram, late of No. 608. Kuala Pilah, deceased.

Chellammah, widow of Elhathamby Veluppillai of Chulipuram ... Petitioner.

Vs.

(1) Thanalechumy, daughter of E. Veluppillai, (2) Veluppillai Sithambaranathan, (3) Veluppillai Narayanamoorthy, (4) Veluppillai Thamotherspillai, and (5) Nannar Elhathamby, all of Chulipuram ... Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 21, 1946, in the presence of Mr. R. Candiah, Proctor for petitioner; and the affidavit of the petitioner having been read:

It is ordered that the above-named fifth respondent be appointed guardian *ad litem* over the minors, 1st to 4th respondents, for the purpose of protecting their interests and of representing them in these

testamentary proceedings, and that letters of administration to the estate of the said deceased be issued to the petitioner, as his lawful widow, unless the said respondents or any other person shall appear before this court on October 29, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Pandaram Ponnampalam of Kaddudai, Manppai, Jaffna, deceased.

Sathasivam Kandiah of Kaddudai, Manppay ... Petitioner.

Vs.

(1) Kathirgamar Malyaganam, and wife (2) Nagammah, both of 77, Bukit, Tambok, Seremban, (3) Pandaram Sathasivam of Kaddudai, Manppay, (4) Gnanam, widow of Velupillai of Elumulli, (5) Ledchumi, widow of Ponniah of ditto, (6) Vallipuram Nadarajah of Kaddudai, Manppay, (7) Pandaram Ramalingam of 3rd mile Klang road, Kuala Lumpur, (8) Kandiah Sivapalaratnam of Tambok, Seng Hospital, Singapore, (9) Kandiah Sivathasan of ditto, (10) Thillampalam Ponnudurai, Overseer, P. W. D., Rambaikkulam, Madawachiya, (11) Thillampalam Ponnudurai's wife Bahawathy of Kaddudai, Manppay, (12) Nagammah, widow of S. Kanagar, Manppay South, (13) Aiyakuddi Manikkam of Cross street, 2½ milepost, Dickson, F. M. S., (14) and his wife Vallipillai of Kaddudai, Manppay, (15) Sinniah Thyagarajah of 108, Stafford place, Maradana, (16) Sinniah Rasiah of Kaddudai, (17) Kathravelu Rajendiram and his wife, (18) Sivaganam of Kaddudai, Manppay, (19) Sinniah Nadarajah and his wife (20) Manonmany of Paturikoviladi, Kokkuvil ... Respondents.

THIS matter of the petition of the above-named petitioner praying that the above-named 19th and 20th respondents be appointed guardians *ad litem* over the minors, the 8th and 9th respondents, that the 10th and 11th respondents over the 16th respondent, and that letters of administration be granted to him to the above estate in his capacity, as a nephew and an heir of the deceased, coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on August 22, 1946; and the affidavit of the petitioner having been read, in the presence of Mr. S. Sivaganam, Proctor for petitioner:

It is ordered that the 19th and 20th respondents be appointed guardians *ad litem* over the minors, the 8th and 9th respondents, and the 10th and 11th respondents over the minor, the 16th respondent, and the petitioner be declared entitled to have letters of administration to the estate of the above-named deceased issued to him accordingly, unless the above-named respondents or any others interested in the estate, show sufficient cause to the satisfaction of this court to the contrary on October 25, 1946, at 10 A.M. or so sooner thereafter.

August 22, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late Peer Jurisdiction. Mohammado Abdul Raheem of Pannala, deceased. No. 4,648.

Ismail Lebbeage Peer Mohammado of Telambugalla ... Petitioner.

Vs.

Uduma Lebbe Asiya Umma of Pannala ... Respondent.

THIS matter coming on for disposal before T. P. P. Goonetilleke, Esq., District Judge of Kurunegala, on September 18, 1946, in the presence of Mr. D. A. S. Ranaweera, Proctor for the petitioner above named; and the affidavit of the said petitioner dated September 7, 1946, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as father 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 November 8, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 18, 1946.

T. P. P. GOONETILLEKE,
District Judge.

In the District Court of Puttalam.

Order Nisi.

Testy. In the Matter of the Intestate Estate of the late No. 798. Assen Kudhoos Marikar Muhammad Naina Marikar of Kalpitiya, deceased.

Muhammad Ali Marikar Rahul Umma of Kalpitiya, widow of the said deceased ... Petitioner.

And

(1) Muhammad Naina Marikar Thamby Naina Marikar, (2) Muhammad Naina Marikar Cader Saibu Marikar, (3) Muhammad Naina Marikar Assen Kudhoos Marikar, (4) Mohammad Naina Marikar Rajanathu Beebee, wife of Suraf Uduma Lebbai Marikar, (5) Muhammad Naina Marikar Abdul Hamidu Natchiya, wife of Muhammad Cassim Marikar, (6) Muhammad Naina Marikar Seinudeen Marikar a minor appearing by his guardian *ad litem*, all of Kalpitiya, (7) Muhammad Ali Marikar Ponnimuttu Marikar of Karativu ... Respondents.

THIS matter coming on for disposal before V. H. Wijeyaratne, Esq., District Judge of Puttalam, on August 12, 1946, on the motion of Mr. H. S. Ismail, Proctor, on the part of the petitioner; and the

petition of the petitioner dated August 12, 1946, and affidavit dated May 15, 1946, having been read: It is ordered that the above-named petitioner, Muhammad Ali Marikar Rahi Umma be and she is hereby appointed administratrix of the intestate estate of the above-named deceased Assen Kudhoos Marikar Muhammad Naina Marikar and that letters of administration be accordingly issued to her and it is further ordered that the above-named Muhammad Ali Marikar Ponnuttu Marikar the 7th respondent be and he is hereby appointed the guardian *ad litem* over the 6th minor respondent above named, unless the respondents above named or any other person or persons interested in the matter of this application shall, on or before October 21, 1946, show sufficient cause to the contrary.

September 11, 1946.

E. WIJEYWARDENE,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary. In the Matter of the Intestate Estate of the Late
No. 2,378. Wijesinghe Abeykoon Sundrappuhamy of
Nathandiya, deceased.

Wijesinghe Abeykoon Romans Wijesinghe, Registrar of Na-
thandiya Petitioner.

And

(1) Wijesinghe Abeykoon Carols Wijesinghe of
Weerahena, (2) ditto Singonona Wijesinghe of Galamuna,
(3) ditto Kirumenikhamy Wijesinghe of Kamburugoda,
(4) ditto Ranmenikhamy Wijesinghe of Henepola; (5)
N. Pannakara of Vidayalankara Pirivena, Kelaniya. Respondents.

THIS matter coming on for disposal before E. Wijewardene, Esq., District Judge of Chilaw, on September 19, 1946, in the presence of Mr. Albert F. Peries, Proctor, on the part of the petitioner above named; and the affidavit and petition of the petitioner having been read:

It is ordered that the above-named petitioner be and he is hereby declared entitled, as one of the sons of the above-named deceased, to have letters of administration to his estate issued to the peti-

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tioner, unless the respondents or any other person or persons interested shall, on or before November 1, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 19, 1946.

E. WIJEYWARDENE,
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Estate of the late Wickrema-
Jurisdiction. singhe Wasala Mudiyansele Seneviratne Ban-
No. 1,205. dara of Nedurana, deceased.

Between

Wickremasinghe Wasala Mudiyansele Premaratne Bandara
of Nedurana Petitioner.

And

(1) Wickremasinghe Wasala Mudiyansele Somawathie Menike,
(2) ditto Wimalawathie Menike, (3) ditto Premawathie
Menike, (4) ditto Wijeratne Bandara, (5) ditto Dharmaratne
Bandara, all of Nedurana, (6) ditto Abeyratne Bandara by his
guardian *ad litem*, (7) Gankande Muhandiramalage Pahala-
watte Puchmahatmeya of Ganagama, Polmadulla. Respondents.

THIS matter coming on for disposal before V. H. Wijeratne, Esq., District Judge, Ratnapura, on September 25, 1946, in the presence of Mr. P. Marapana, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner dated August 7, 1946, having been read: It is ordered that the petitioner above named, as the son of the deceased above named, is entitled to have letters of administration to the estate of the deceased above named issued to him accordingly, unless the respondents above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before October 29, 1946.

It is further ordered that Gankande Muhandiramalage Pahaluwatte Puchmahatmeya of Ganagama, Polmadulla, the 7th respondent above named be appointed guardian *ad litem* over the minor, Wickremasinghe Wasala Mudiyansele Abeyratne Bandara, the 6th respondent above named, unless the respondents above named or any other person or persons interested shall, on or before October 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 25, 1946.

V. H. WIJERATNE,
District Judge.

In the District Court of Kegalla...
Order Nisi.
 Testamentary In the Matter of the Intestate Estate of the late
 Jurisdiction. Edirisinghe Achchillage Podi Menike of Panaliya
 No. 1,699. in Udapotha Otota korale.
 Rajapaksa Mudiyanseleage Tikiri Banda of Panaliya Petitioner.

Vs.
 (1) Rajapaksa Mudiyanseleage Dharmawardane, (2) ditto Goone-
 wardane, (3) Edirisinghe Achchillage Jayasinghe, all of Pana-
 liya. Respondents.
 THIS matter coming on for disposal before M. C. Sansoni, Esq.,
 District Judge of Kegalla, on March 4, 1946, in the presence of
 Mr. E. E. Gordon Daniel, Proctor, on the part of the petitioner
 above named; and affidavit of the said petitioner dated May 29,
 1945, having been read:
 It is ordered that the 3rd respondent above named be and he is
 hereby declared appointed guardian *ad litem* over the minors, 1st
 and 2nd respondents above named, and the petitioner above named,
 be and he is hereby declared entitled, as husband of the deceased,
 to have letters of administration to the estate of the said deceased

issued to him accordingly, unless the respondents above named
 or any person or persons interested shall, on or before May 3, 1946,
 show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1945. M. C. SANSONI,
 District Judge.
 The date for showing cause against the *Order Nisi* extended till
 September 9, 1946.
 August 2, 1946. M. C. SANSONI,
 District Judge.
 The date for showing cause against the *Order Nisi* is extended till
 September 27, 1946.
 September 11, 1946. M. C. SANSONI,
 District Judge.
 The date for showing cause against the *Order Nisi* is extended
 till October 24, 1946.
 September 27, 1946. M. C. SANSONI,
 District Judge.

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- 4. Ms. S.U. Wijethilake
- 3. Ms. Senani Bandara
- 2. Mr. M.S.U. Amarasinghe
- 1. Mr. W. Sunil