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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 ACTS.

L.D.—O.2/48.

Post Office Savings Bank (Amendment) Act, No. 22 of 1948.

AN ACT TO AMEND THE POST OFFICE SAVINGS BANK
ORDINANCE, No. 18 OF 1941.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled; and by the authority of the same, as follows:—

1. This Act may be cited as the Post Office Savings Bank (Amendment) Act, No. 22 of 1948.

Short title.

2. Section 11 of the Post Office Savings Bank Ordinance, No. 18 of 1941 (hereinafter referred to as the "principal enactment"), is hereby amended as follows:—

Amendment of section 11 of Ordinance No. 18 of 1941.

(1) by the repeal of sub-section (3) of that section and the substitution therefor of the following new sub-section:—

"(3) Subject to the provisions of sub-section (6), the balance of the moneys in the Bank, remaining after the deduction of such amount as may be determined by the Trustees under sub-section (2), shall from time to time be invested by the Trustees—

- (a) in rupee loans of the Government of Ceylon;
- (b) in rupee loans of the Government of India;
- (c) in debentures of the Ceylon State Mortgage Bank;
- (d) in sterling securities of the Government of the United Kingdom and Northern Ireland, or of the Government of any Dominion or Colony;

- (e) in sterling securities guaranteed by the Government of the United Kingdom and Northern Ireland, or by the Government of any Dominion or Colony;
 - (f) in such other stock or securities as may be approved by the Minister with the concurrence of the Minister of Finance. ”;
- (2) by the repeal of sub-section (4) of that section;
- (3) by the re-numbering of sub-sections (5), (6) and (7) of that section as sub-sections (4), (5) and (6), respectively;
- (4) in re-numbered sub-section (4), by the substitution, for the Proviso to that sub-section, of the following new Proviso:—
- “ Provided that every investment of moneys outside Ceylon shall be made and held in accordance with such general instructions as may be issued in that behalf by the Trustees, with the approval of the Minister and the concurrence of the Minister of Finance. ”;
- (5) in re-numbered sub-section (5)—
- (a) by the omission in paragraph (a) of that sub-section, of the words “ or the Crown Agents ”; and
 - (b) by the substitution in paragraph (b) of that sub-section, for the words and figures “ sub-sections (3), (4) and (5) ”, of the words and figures “ sub-sections (3) and (4) ”; and
- (6) in re-numbered sub-section (6)—
- (a) by the substitution in paragraph (a) (i) of that sub-section, for all the words from “ or in ” to “ Trustees ”, of the words “ or in current account in the name of the Postmaster-General ”;
 - (b) by the omission in paragraph (a) (ii) of that sub-section, of the words “ for fixed periods ”; and
 - (c) by the substitution in paragraph (b) of that sub-section, for the words “ under the control of the Trustees ”, of the words “ under sub-section (2) ”.

Insertion of new section 18A in the principal enactment.

3. The following new section is hereby inserted immediately after section 18 of the principal enactment, and shall have effect as section 18A of that enactment:—

Power to make deductions from accounts of depositors in the Bank.

18A. (1) Where at any time after the moneys due on a money order or postal order accepted from a depositor are collected and credited to that depositor's account, the Bank is called upon to refund the moneys or any part

thereof on the ground of any error or defect in title or fraud affecting the money order or postal order, the Bank shall be entitled to debit the amount of the refund so made to that depositor's account.

(2) The powers conferred by sub-section (1) of this section shall not be deemed to be in derogation of the powers to recover moneys wrongly paid to any person in respect of any money order or postal order, conferred upon the Postmaster-General or any other officer of the post office by any other written law.

L.D.—O. 34/36.

*Galle Municipal Council (Differential Rates)
Act, No. 23 of 1948.*

AN ACT TO EXTEND THE OPERATION OF SECTION 2 (1) OF THE GALLE MUNICIPAL COUNCIL (DIFFERENTIAL RATES) ORDINANCE, NO. 31 OF 1938.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Galle Municipal Council (Differential Rates) (Seventh Extension) Act, No. 23 of 1948.

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, 1949.

Continuation of the operation of section 2 (1) of Ordinance No 31 of 1938

*Tea Research (Amendment)
Act, No. 24 of 1948.*

AN ACT TO AMEND THE TEA RESEARCH ORDINANCE.

Chapter 301.
Vol. VI., p. 441.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Tea Research (Amendment) Act, No. 24 of 1948

Short title

2. Section 4 of the Tea Research Ordinance (hereinafter referred to as the "principal Ordinance") is hereby repealed and the following section substituted therefor:—

Replacement of section 4 of Chapter 301.

4. "The headquarters of the Board shall be at St. Coombs Estate, Talawakelle, or at such other place as may be appointed by the Minister in that behalf."

Headquarters of the Board.

3. Section 5 of the principal Ordinance is hereby amended, in sub-section (1) thereof, as follows:—

Amendment of section 5 of the principal Ordinance.

(a) by the substitution for the expression "the Ceylon Estates Proprietary Association", wherever it occurs in that sub-section, of the expression "the Agency Section of the Planters' Association of Ceylon"; and

- (b) by the substitution, for the item " one member nominated by the Low-Country Products Association of Ceylon ", of the item " Three members nominated by the Low-Country Products Association of Ceylon ".

Amendment of section 11 of the principal Ordinance.

4. (1) Section 11 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the substitution for the words " ten cents " of the words " twenty-five cents ".

(2) The amendment made in section 11 of the principal Ordinance by sub-section (1) of this section shall have effect on and after the first day of January, 1949.

Amendment of section 12 of the principal Ordinance.

5. Section 12 of the principal Ordinance is hereby amended in sub-section (1) thereof, by the substitution for the word " officers " of the words " officers and servants ".

Insertion of new section 12A in the principal Ordinance.

6. (1) The following new section shall be inserted immediately after section 12 of the principal Ordinance and shall have effect as section 12A of that Ordinance:—

Provident Fund.

12A. The Board may establish and maintain a Provident Fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that Fund; regulate the management and investment thereof, and prescribe the contributions to be made thereto by, and payments to be made therefrom to, such officers and servants.

(2) The amendment made in the principal Ordinance by sub-section (1) of this section shall be deemed for all purposes to have had effect from the date of the commencement of that Ordinance, and accordingly—

(a) the Provident Fund heretofore established for the employees of the Tea Research Institute of Ceylon shall be deemed to have been duly established, and all contributions made to and payments made from that Fund and all acts done in the course of the management and conduct thereof prior to the date of the commencement of this Act shall be deemed to have been duly made and done under powers conferred by the principal Ordinance;

(b) the rules for the establishment and management of the Junior Staff Provident Fund of the Institute heretofore made by the Board shall be deemed to have been duly made under the principal Ordinance and to have been valid and effectual for the purposes for which they were made at all material times from January 1, 1930, until the date of the commencement of this Act; and

(c) from the date of the commencement of this Act the aforesaid rules shall be in force as if they were rules made under the principal Ordinance and may be amended, rescinded, added to, or replaced by rules made under that Ordinance.

L.D.—O.90/48.

*Estate Duty (Amendment)
Act, No. 25 of 1948.*

AN ACT TO AMEND THE ESTATE DUTY ORDINANCE IN
ORDER TO PROVIDE FOR THE APPOINTMENT AND
FUNCTIONS OF A DEPUTY COMMISSIONER
OF ESTATE DUTY.

Chapter 187,
(Vol. IV.,
p. 574).

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Estate Duty (Amendment) Act, No. 25 of 1948.

Short title.

2. Section 2 of the Estate Duty Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended in sub-section (1) thereof, by the substitution, for the words "Assistant Commissioners", of the words "a Deputy Commissioner of Estate Duty, Assistant Commissioners".

Amendment of
section 2 of
Chapter 187.

3. Section 77 of the principal Ordinance is hereby amended in the definition of "Commissioner" in sub-section (1) thereof, by the substitution, for the words "and includēs", of the words "and includes the Deputy Commissioner, and".

Amendment of
section 77 of
the principal
Ordinance.

L.D.—O.99/48.

Stamp (Amendment) Act, No. 26 of 1948.

AN ACT TO AMEND THE STAMP ORDINANCE.

Chapter 189,
(Vol. IV.,
page 684).

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Stamp (Amendment) Act, No. 26 of 1948.

Short title.

2. Section 2 of the Stamp Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows:—

Amendment of
section 2 of
Chapter 189.

- (1) by the re-numbering of that section as sub-section (1) of section 2;
- (2) by the re-numbering of paragraph (ii) of the proviso to the said section 2 (1) as paragraph (iii);
- (3) by the insertion immediately before re-numbered paragraph (iii), of the following new paragraph:—

"(ii) any instrument executed by, or on behalf of, or in favour of, the Government of any foreign country or of any country forming part of the British Commonwealth, being a country in respect of which an Order under sub-section (2) is in force, in cases where, but for this exemption, that Government would be liable to pay the duty chargeable in respect of such instrument;" ;
and

(4) by the insertion immediately after the re-numbered sub-section (1), of the following new sub-section:—

“(2) The Minister on being satisfied, in respect of any country, that no stamp duty is chargeable in that country in the case of any instrument executed by, or on behalf of, or in favour of, the Government of Ceylon, may declare, by Order published in the *Gazette*, that the exemption granted by paragraph (ii) of the proviso to sub-section (1) shall apply to that country.”

Amendment of Part 1 of Schedule A to the principal Ordinance.

3. Part 1 of Schedule A to the principal Ordinance is hereby amended by the substitution, for paragraph (i) of the exemptions set out under item 49, of the following new paragraph:—

“(i) receipts for allowances paid by any Department of Government out of moneys voted by the Parliament of Ceylon for public assistance, relief of distress or unemployment relief.”

Power of Commissioner of Stamps to refund duty in certain circumstances.

4. Where any duty has been paid under the principal Ordinance, in respect of any instrument executed by, or on behalf of, or in favour of, the Government of any foreign country or of any country forming part of the British Commonwealth, before the commencement of this Act, it shall be lawful for the Commissioner of Stamps, with the consent of the Minister of Finance, to refund the amount so paid by way of duty, in the event of an Order under section 2 (2) of the principal Ordinance being made in respect of that country.

L.D.—O. 45/48.

Rubber Research (Amendment) Act, No. 27 of 1948.

Chapter 302 (Vol. VI., page 444).

AN ACT TO AMEND THE RUBBER RESEARCH ORDINANCE.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Rubber Research (Amendment) Act, No. 27 of 1948.

Amendment of section 3 of Chapter 302.

2. Section 3 of the Rubber Research Ordinance (hereinafter referred to as “the principal enactment”), is hereby amended as follows:—

(1) in sub-section (1)—

(a) by the addition at the end of paragraph (a), of the following:—

“The Director of the Rubber Research Scheme, who shall be the Vice-chairman of the Board.”; and

(b) by the substitution, for paragraph (b), of the following new paragraph:—

“(b) Nominated members:—

One member of the Senate nominated by the Minister;

one member of the House of Representatives nominated by the Minister;
two members of the Planters' Association of Ceylon nominated by that Association;
two members of the Low-country Products Association nominated by that Association; and
one person nominated by the Minister to represent the small holders." ; and

- (2) in sub-section (2), by the substitution, for the words "the Ceylon Estates Proprietary Association, the Planters' Association of Ceylon, the Rubber Growers Association (Incorporated)", of the words "the Planters' Association of Ceylon,".

3. Section 4 of the principal enactment is hereby amended as follows:—

- (1) in sub-section (7), by the substitution, for the word "Governor", of the word "Minister"; and
(2) by the insertion, immediately after sub-section (8A), of the following new sub-section (8B):—

"(8B) The Board shall have power to fix the rates of salary, remuneration, bonus, royalties, allowances and all other moneys paid to its servants from time to time, and to apportion moneys derived from patents, brevets d'invention and other similar rights and privileges between itself and its servants in such manner as it may deem equitable."

Amendment of section 4 of the principal enactment.

4. Section 6 of the principal enactment is hereby amended in sub-section (1) (a), by the substitution, for the first proviso, of the following new proviso:—

"Provided that, during the period commencing on January 1, 1949, and ending on December 31, 1958, there shall be charged, levied and paid, for the purpose aforesaid, an export duty of eleven-twentieth 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."

Amendment of section 6 of the principal enactment.

5. The Schedule to the principal enactment is hereby amended as follows:—

- (1) by the substitution, for regulation 2, of the following new regulation:—

"2. The Chairman or in his absence the Vice-chairman shall preside at all meetings of the Board." ; and

- (2) by the insertion, immediately after regulation 6, of the following new regulation:—

"6A. The Vice-chairman, when officiating for the Chairman, shall exercise, perform or discharge any power, duty or function expressly conferred or imposed upon the Chairman by these regulations."

Amendment of Schedule to the principal enactment.

L.D.—O. 37/48.

*Rubber Control (Amendment) Act, No. 28
of 1948.*AN ACT TO AMEND THE RUBBER CONTROL ORDINANCE,
No. 63 OF 1938.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and date of
operation.

1. This Act may be cited as the Rubber Control (Amendment) Act, No. 28 of 1948, and shall come into operation on January 1, 1949.

Amendment of
section 57 of
Ordinance
No. 63 of 1938.

2. Section 57 of the Rubber Control Ordinance, No. 63 of 1938, (hereinafter referred to as the "principal enactment") is hereby amended, in subsection (7) of that section, by the substitution, for the words and figures "under section 59 or any other written law", of the words "under any other written law".

Repeal of
section 59 of
principal
enactment.

3. Section 59 of the principal enactment is hereby repealed.

Rent Restriction Act No. 29 of 1948.

TABLE OF SECTIONS.

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SCHEDULE.

AN ACT TO AMEND AND CONSOLIDATE THE LAW
RELATING TO RENT RESTRICTION.

[Date of Assent: December 20, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Rent Restriction Act, No. 29 of 1948, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) This Act shall be in operation—

Operation and
application
of Act.

(a) in every area in which the Rent Restriction Ordinance, No. 60 of 1942, was, by virtue of any Proclamation under section 2 of that Ordinance, in force immediately prior to the date appointed by the Minister under section 1 of this Act; and

(b) in every other area for the time being declared by the Minister, by notification published in the *Gazette*, to be an area in which this Act shall be in operation.

(2) The Minister shall, in every notification under sub-section (1), appoint the date on which the notification shall take effect.

(3) The Minister may, by Order published in the *Gazette*, declare that this Act shall, with effect from such date as may be specified therein, cease to be in operation in any area, or in any part of any area, in which the Act has been in operation.

(4) So long as this Act is in operation in any area, the provisions of this Act shall apply to all premises in that area, not being excepted premises; and the expression "premises to which this Act applies" shall be construed accordingly.

(5) The regulations in the Schedule shall have effect for the purpose of determining the premises which shall be excepted premises for the purposes of this Act, and may be amended from time to time by regulation made under section 24.

(6) In this Act, the expression "appointed date", in relation to any premises situated in any area mentioned in sub-section (1) (a) of this section, means the date appointed by the Minister under section 1 of this Act, and, in relation to any premises situated in any other area, means the date specified in the notification under this section by virtue of which this Act is in operation in that area.

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

Restriction
on increase
of rent.

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

(b) to increase the rent of such premises in respect of any such period to an amount in excess of such authorised rent.

(2) It shall not be lawful for the tenant of any premises to which this Act applies to pay or offer to pay, as the rent of such premises, any amount in excess of the authorised rent of such premises as defined for the purposes of this Act in section 4.

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

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

Authorised
rent.

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

Standard
rent.

5. (1) In the case of any premises the annual value of which was or is assessed for the purposes of any rates levied by any local authority under any written law, the standard rent per annum of the premises means—

(a) the amount of the annual value of such premises as specified in the assessment in force under such written law during the month of November, 1941, or if the assessment of the annual value of such premises is made for the first time after that month, the amount of such annual value as specified in such first assessment;
or

(b) if the rates so levied are, under the terms of the tenancy, payable by the landlord, the aggregate of the amount determined under paragraph (a) and of the amount payable per annum by way of such rates in respect of such premises for the year 1941, or, as the case may be, for the year in which such first assessment is made,

and the standard rent of the premises per month or per quarter or per half-year shall be determined in proportion:

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

Provided, further, that in the case of any such premises which are first assessed or first separately assessed after the appointed date, the Board may, on the application of the tenant, fix as the standard rent of the premises such amount as may in the opinion of the Board be fair and reasonable.

(2) In the case of any premises to which the provisions of sub-section (1) do not apply, the standard rent of the premises means—

- (a) the rent at which the premises were let on the first day of November, 1941; or
- (b) where the premises were not let on that day, but had been let previously, the rent at which the premises were last let before that day, or such other rent as may be fixed by the Board on the application either of the landlord or of the tenant; or
- (c) where the premises, not having been previously let, are let on or after that day, such rent as may be fixed by agreement between the landlord and the tenant, or whether or not there has been any such agreement, by the Board on the application either of the landlord or of the tenant for the time being:

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

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

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

Permitted
increases.

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

Provided, however, that the Board may, on the application of the tenant of such premises, direct that the standard rent shall not be increased as hereinbefore provided, or reduce the amount by which the standard rent may be so increased, on any of the following grounds, that is to say—

- (a) that such expenditure was excessive having regard to the nature and extent of the improvements or alterations effected or that the

rental value of the premises has not been enhanced by such improvements or alterations; or

- (b) that, in the case of expenditure incurred after the appointed date, it was incurred without the prior consent of the tenant for the time being, or without the prior approval of the Board granted on the Board being satisfied that the consent of the tenant was unreasonably withheld.
- (c) Where the rates levied under any written law in respect of any premises are, under the terms of the tenancy, payable by the landlord, and the actual amount for the time being payable per annum by way of such rates is in excess of the amount so paid for the year which included the date by reference to which the standard rent of the premises is determined for the purposes of this Act, the standard rent per annum may be increased by an amount not exceeding the amount of such excess.

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

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

- (e) Where any premises—

- (i.) the standard rent of which is ascertained under section 5 (1), or
 (ii.) which were let unfurnished at the date by reference to which the standard rent thereof is determined under section 5 (2),

are let fully furnished at any time after the appointed date, the standard rent per annum may be increased by an amount equal to twenty-five *per centum* of such standard rent:

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

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

7. Where any premises to which this Act applies are let or occupied in separate parts (whether furnished or unfurnished), which are not separately assessed for the purpose of rates, and the aggregate of the amount demanded or received as the rent for such separate parts exceeds the authorised rent of the premises, the landlord shall be deemed to have contravened the provisions of section 3 of this Act.

Special provisions for premises let in separate parts.

8. No person shall, as a condition of the grant, renewal or continuance of the tenancy of any premises to which this Act applies, demand or receive, or pay or offer to pay—

Prohibition of excessive advance, premium or other additional payment.

- (a) as an advance of rent, any amount exceeding the authorised rent for a period of three months; or
- (b) in addition to the rent of such premises, any premium, commission, gratuity or other like payment or pecuniary consideration whatsoever.

9. (1) Notwithstanding anything in any other law, but subject to any provision to the contrary in any written contract or agreement, the tenant of any premises to which this Act applies shall not, without the prior consent in writing of the landlord, sub-let the premises or any part thereof to any other person.

Restriction as to sub-letting of premises.

(2) Where any premises or any part thereof is sub-let in contravention of the provisions of sub-section (1), the landlord shall, notwithstanding the provisions of section 13, be entitled in an action instituted in a court of competent jurisdiction to a decree for the ejection from the premises of his tenant and of the person or each of the persons to whom the premises or any part thereof has been so sub-let.

(3) Nothing in sub-section (1) or in sub-section (2) shall apply in any case where any premises or part thereof had been sub-let prior to the commencement of this Act to any person so long as that person continues to be the sub-tenant of the premises or part thereof.

(4) Where any premises are sub-let by a tenant in whole or in part—

- (a) the tenant shall, in relation to the sub-tenant or each of the sub-tenants, be deemed for all the purposes of this Act to be the landlord of the premises, and the other provisions of this Act shall apply accordingly; and
- (b) without prejudice to any such other provision, the tenant shall not demand, receive or recover in respect of any part of the premises which is so sub-let, any amount exceeding such amount as the Board may, on the application of the sub-tenant, fix as the reasonable proportionate rent of the part so sub-let.

10. Notwithstanding anything in any other law, but subject to any provision to the contrary in any written contract or agreement, the tenant of any residential premises to which this Act applies shall not, except with the prior consent of the landlord,

Use of residential premises for other purposes.

use or permit any other person to use, any such premises or part thereof for any purpose other than that of residence.

Provision of amenities, repairs, etc.

11. (1) Where the Board is satisfied, on application made by the tenant of any premises to which this Act applies, that the landlord—

- (a) has without reasonable cause discontinued or withheld any amenities previously provided for the benefit of the tenant, or
- (b) has failed to carry out any repairs or re-decoration necessary in the opinion of the Board to maintain the premises in proper condition,

the Board may make order directing the landlord to provide such amenities or to carry out such repairs or re-decoration as may be specified in the order; and it shall be the duty of the landlord to comply with the provisions of such order before such date as may be specified in that behalf in the order.

(2) The Board shall in any order under sub-section (1) directing the landlord to effect any repairs or re-decoration authorise the tenant, in the event of the landlord failing to comply with the order, to carry out such repairs or re-decoration and to incur for the purpose expenditure not exceeding such amount as may be specified in that behalf in the order; and where any repairs or re-decoration are carried out by the tenant in pursuance of the authority so conferred, the tenant shall be entitled to set off against the rent payable in respect of the premises the expenditure actually incurred by him for the purpose, or the amount specified in that behalf in the order, whichever is the less.

(3) Any repairs or re-decoration effected by the landlord or the tenant in compliance with or under the authority of any such order shall be deemed for the purposes of paragraph (d) of section 6 (1) to have been executed at the written request of the tenant.

Power of Board to authorise payment of rent through the Board.

12. (1) The provisions of this section shall apply only to such of the premises to which this Act applies as are situated in any Municipality or in such other area as may be declared by the Minister by notification in the *Gazette* to be an area in which those provisions shall apply.

(2) In any case where the Board, on application made by the tenant of any premises to which this section applies, is of opinion that the landlord has failed or refused to issue proper receipts in acknowledgment of payments made to him by the tenant, or that it is otherwise expedient for the purpose of ensuring that the rent paid or received in respect of the premises does not exceed the authorised rent of such premises, the Board may make order authorising the tenant to pay through the Board the rent from time to time due in respect of the premises.

(3) Where an order is made under sub-section (2), it shall be lawful for the tenant from time to time to make payment of the rent to the Board or to such officer or person as may be specified in that behalf by the Board, and a payment so made on any day shall be deemed to be a payment received on that day by the landlord from the tenant.

(4) Where any payment is made to the Board or to any officer or person under the preceding provisions of this section, a receipt shall be issued to the tenant by or on behalf of the Board in acknowledgment thereof, and the amount of such payment shall

as soon as may be transmitted or delivered to the landlord in such manner as may be agreed on between him and the Board, or in default of such agreement, in such manner as the Board may determine. It shall be the duty of the landlord to issue a receipt to the Board in acknowledgement of the amounts so transmitted or delivered to him.

13. (1) Notwithstanding anything in any other law, no action or proceedings for the ejection of the tenant of any premises to which this Act applies shall be instituted in or entertained by any Court, unless the Board, on the application of the landlord, has in writing authorised the institution of such action or proceedings:

Restriction
of right to
institute
proceedings for
ejection.

Provided, however, that the authorisation of the Board shall not be necessary, and no application for such authorisation may be entertained by the Board, in any case where—

- (a) rent has been in arrear for one month after it has become due; or
- (b) the tenant has given notice to quit; or
- (c) the premises are, in the opinion of the Court, reasonably required for occupation as a residence for the landlord or any member of the family of the landlord, or for the purposes of the trade, business, profession, vocation or employment of the landlord; or
- (d) the tenant or any person residing or lodging with him or being his sub-tenant has, in the opinion of the Court, been guilty of conduct which is a nuisance to adjoining occupiers, or has been convicted of using the premises for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the Court, deteriorated owing to acts committed by or to the neglect or default of the tenant or any such person.

For the purposes of paragraph (c) of the foregoing proviso—

- (i.) "member of the family" of any person means the wife of that person, or any son or daughter of his over eighteen years of age, or any parent, brother or sister dependent on him;
- (ii.) any premises of which the landlord is a religious body or association shall be deemed to be required for the purposes of the business of the landlord, if they are, in the opinion of the Court, reasonably required for any of the objects or purposes for which the body or association is constituted.

(2) Where a decree for the ejection of the tenant of any premises to which this Act applies is entered by any Court on the ground that the Court is of opinion that the premises are reasonably required for occupation as a residence for the landlord or any member of his family or for the purposes of the trade, business, profession, vocation or employment of the landlord, the Court shall in such decree direct that no person, other than the landlord or some member of his family whose name shall be specified in the decree, shall enter into occupation of the premises upon vacation thereof by the tenant or upon the ejection therefrom of the tenant.

(3) Where, in any case to which sub-section (2) applies, the landlord or other person whose name is specified in the decree does not enter into occupation of the premises before the expiration of a period of one month after the date of the vacation thereof by the tenant or of his ejection therefrom, or, having thus entered into occupation of the premises, vacates them without reasonable cause within one year of the entry into such occupation, the tenant (hereinafter referred to as "the former tenant") may, at any time within fourteen days after the expiration of the said period of one month, or, as the case may be, at any time within fourteen days after the vacation of the premises by the landlord or the said other person, make application to the Court for an order restoring him into possession of the premises. The landlord shall be named respondent to such application.

(4) Notice of any application made by the former tenant under sub-section (3) shall be served on the person, if any, for the time being in occupation of the premises; and where notice is so served—

(a) such person may, if he applies in that behalf to the Court within fourteen days of the date of service on him of such notice, be added as a party to the proceedings upon the application; and

(b) such person shall, whether or not he is so added as a party, be bound by any Order made under sub-section (5).

(5) Where the Court is satisfied upon application made by the former tenant under sub-section (3) that the landlord or other person whose name is specified in the decree did not enter into occupation of the premises before the expiration of the period of one month after the date of the vacation of the premises by the former tenant or his ejection therefrom, or, having thus entered into occupation of the premises, has vacated them without reasonable cause within one year of the entry into such occupation, the Court may make Order for the delivery of possession of the premises to the former tenant, and may, if necessary, by the same or a subsequent Order, direct the ejection from the premises of the landlord or any person claiming by, through or under him:

Provided, however, that where any person has been added as a party to the proceedings under sub-section (4), no Order shall be made under the preceding provisions of this sub-section, if the Court is of opinion that the person so added as a party was not aware at or before the time at which he entered into occupation, that a decree had been entered for the ejection from the premises of the former tenant.

(6) Every Order made under sub-section (5) and every Order dismissing an application made by the former tenant under sub-section (3) shall be subject to an appeal to the Supreme Court; and the provisions of the Civil Procedure Code shall apply in relation to any such appeal in like manner as though it were an appeal preferred against an Order made by the Court in the exercise of its ordinary jurisdiction.

(7) An Order made under sub-section (5) may be enforced in like manner as an Order or decree falling under Head (c) of section 217 of the Civil Procedure Code.

(8) In sub-sections (3) to (7), "Court" means the Court in which the action for the ejection of the former tenant was instituted.

14. Where an action for the ejection of any person from any premises occupied by him as a tenant is dismissed by any Court by reason of the provisions of this Act, his occupation of those premises for any period prior or subsequent to the dismissal of such action shall, without prejudice to the provisions of this Act; be deemed to have been or to be under the original contract of tenancy.

Continuance of original contract of tenancy.

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

Recovery of payments in excess of authorised rent.

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

Statement as to standard rent, receipt, &c.

(2) It shall be the duty of the landlord of any premises to which this Act applies to issue to the tenant a receipt in acknowledgment of every payment made to him by way of rent or advance, whether or not such receipt is demanded by the tenant.

17. It shall be the duty of the landlord or the tenant of any premises to which this Act applies, if required so to do by the Board by written notice in that behalf, to furnish to the Board such information in his possession as the Board may consider necessary relating to the rent of such premises, or to any contract or agreement relating to the letting or hiring thereof, or to the names and descriptions of the persons in occupation thereof, or to any other matter connected with or relevant or incidental to any matter hereinbefore specified.

Information to be furnished to Board.

18. (1) Notwithstanding anything in any other law, but subject to any provision to the contrary in any written contract or agreement, the succeeding provisions of this section shall have effect in the event of the death of the tenant of any residential premises to which this Act applies.

Continuance of tenancy upon death of tenant.

(2) Any person who—

- (a) is the surviving spouse or the child, parent, brother or sister of the deceased tenant of the premises, or was a dependant of the deceased tenant of the premises immediately prior to his death; and
- (b) was a member of the household of the deceased tenant (whether in those premises or in any other premises) during the whole of the period of three months preceding his death,

shall be entitled to give written notice to the landlord, before the tenth day of the month succeeding that in which the death occurred, to the effect that he proposes to continue in occupation of the premises as tenant thereof; and upon such written notice being given, such person shall, subject to any order of the Board as hereinafter provided, be deemed for the purposes of this Act to be the tenant of the premises with effect from the first day of such succeeding month, and the provisions of this Act shall apply accordingly.

(3) The landlord of the premises in relation to which any written notice is given under sub-section (2) by any person may make application to the Board for an order declaring that such person shall not be deemed as provided in that sub-section to be the tenant of the premises; and the Board may make order accordingly if satisfied that such person is not entitled to give the notice for which provision is made by that sub-section.

(4) In the event of written notice being given under sub-section (2) by more than one person, the Board may in its discretion, upon application made either by the landlord or by any such person, make order declaring which, if any, of such persons shall be the person who shall for the purposes of this Act be deemed to be the tenant of the premises.

Constitution of
Rent
Control Board.

19. (1) There shall be for each area in which this Act is in operation a Rent Control Board constituted in manner hereinafter provided.

(2) The Board for any municipality or town within the meaning of the Urban Councils Ordinance, No. 61, of 1939, or the Town Councils Ordinance, No. 3 of 1946, shall consist of—

- (a) four persons appointed by the Minister, being persons who are not members of the Municipal Council, or Urban Council or Town Council, as the case may be; and
- (b) the Chief Government Valuer:

Provided, however, that in the case of the Board for the Municipality of Colombo, the Municipal Assessor shall be a member in lieu of the Valuer.

The Minister shall nominate one of the members appointed by him to be the Chairman of the Board.

(3) The Board for any area not mentioned in sub-section (2) shall consist of—

- (a) the Assistant Commissioner of Local Government for the administrative region in which such area is situated, who shall be the Chairman of the Board;
- (b) three persons appointed by the Minister; and
- (c) the Chief Government Valuer.

(4) Any officer of the Department of the Chief Government Valuer authorised by him for the purpose may represent the Valuer at any meeting of any Board and shall be deemed for the purposes of the meeting to be a member of the Board.

(5) Any officer of the Department of the Municipal Assessor authorised by him for the purpose may represent the Municipal Assessor at any meeting of the Board for the Municipality of Colombo and shall be deemed for the purposes of the meeting to be a member of the Board.

(6) Every person appointed under this section to be a member of any Board shall, unless he earlier vacates the office by resignation or revocation of appointment, hold office for a period of three years commencing on the date of his appointment. Any member vacating office by effluxion of time shall be eligible for re-appointment.

Proceedings
before the
Board.

20. (1) Every application to the Board under this Act shall be made in such manner as may be prescribed.

(2) At any meeting of the Board three members, one of whom shall be the Chief Government Valuer or the officer representing him, (or in the case of the Municipality of Colombo the Municipal Assessor or the officer representing him), shall constitute a quorum.

(3) Before making any order upon any application under this Act, the Board shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as may be relevant in the opinion of the Board.

(4) The Board may examine any witness on oath if it thinks fit so to do, and may summon any person to appear before it, and may require any person to produce any document, including a document of title, which may be relevant in the opinion of the Board.

(5) The Board may, in such circumstances and according to such scale or scales as may be prescribed, award costs when disposing of any application made to the Board under this Act.

(6) Any sum ordered by the Board to be paid as costs by any person may be recovered, on application made to the Magistrate's Court having jurisdiction in the place where such person is resident, in like manner as a fine imposed by the Court, notwithstanding that such sum may exceed the amount of the fine which the Court may in its ordinary jurisdiction impose.

(7) All documents, notices or summonses issued under the hand either of the Chairman of the Board or the Secretary thereto if appointed in accordance with regulations made in that behalf, shall be deemed to be issued by the Board.

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

(9) In the absence of the Chairman of the Board from any meeting of the Board, the members present shall elect some other member to be the Chairman for that meeting.

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

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

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

Cap. 15

(13) Every order made by the Board at any meeting shall be reduced to writing and signed by the Chairman, and a copy of the order shall be forthwith transmitted by registered post or delivered to the applicant and to the respondent.

(14) Regulations may be made providing generally (but without prejudice to the preceding provisions of this section) for the procedure to be followed in the consideration and decision of applications and other matters arising before the Board under this Act.

Board of
Review.

21. (1) There shall be for the purposes of this Act a Board of Review consisting of three persons appointed by the Minister, two at least of whom shall be persons who hold or have held judicial office or are advocates or proctors of not less than ten years' standing. The Minister shall nominate one of the members so appointed to be the Chairman of the Board of Review.

(2) Every member of the Board of Review shall, unless he earlier vacates the office by resignation or revocation of appointment, hold office for a period of two years commencing on the date of his appointment. Any member vacating office by effluxion of time shall be eligible for re-appointment.

(3) There may be appointed, by name or by office, a Secretary to the Board of Review.

(4) Any person who is aggrieved by any order made by any Rent Control Board under this Act may, before the expiry of a period of fourteen days after the date of the receipt by him of a copy of the order, appeal against the order to the Board of Review.

For the purposes of this sub-section, the copy of an order which is transmitted to any person by registered post shall be deemed to have been received by him on the date on which it is delivered in the ordinary course of post at his address.

(5) Every appeal to the Board of Review shall be heard by the three members of that Board, and in the event of the decision of the Board not being unanimous, the decision of the majority shall be deemed to be the decision of the Board.

(6) At the hearing of any appeal by the Board of Review, the appellant and the respondent shall each be entitled to be heard in person or by an advocate or by a proctor, but, save with the express consent of the Board, shall not be entitled to adduce any evidence whether oral or documentary.

(7) In any case where the Board of Review thinks fit so to do, whether of its own motion or on the application of any party to an appeal, the Board may examine any witness on oath, and may summon any person to appear before it, and may require any person to produce any document which it considers relevant, including any document of title.

(8) All documents, notices and summonses issued under the hand either of the Chairman of the Board of Review or of the Secretary to the Board shall be deemed to be issued by the Board.

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

(10) The Board of Review may in disposing of any appeal under this section award costs against any party in any amount not exceeding one hundred rupees. The provisions of sub-section (6) of section 20 shall apply *mutatis mutandis* where any costs are awarded under this sub-section.

(11) The decision of the Board of Review on any appeal under this section shall be reduced to writing and signed by the members of the Board and shall be final and conclusive; and such decision—

(a) shall, in so far as it annuls or varies the order of the Rent Control Board against which the appeal was preferred, be substituted for and take the place of that order for the purposes of this Act;

(b) shall, in so far as any question of law is determined by any such decision, be binding on and followed by every Rent Control Board.

(12) Regulations may be made—

- (a) prescribing the fees to be paid by persons preferring appeals to the Board of Review and the time and mode of the payment of such fees;
- (b) prescribing the form and manner in which such appeals shall be preferred;
- (c) requiring the record of the proceedings before the Rent Control Board to be transmitted to the Board of Review in the event of any appeal; and
- (d) providing generally (but without prejudice to the provisions of sub-sections (5) to (11)) for the hearing and disposal of appeals and for the procedure to be followed at any such hearing.

22. (1) All expenses incurred in the administration of this Act shall be paid out of moneys provided by Parliament.

Financial provisions.

(2) Regulations may be made—

- (a) prescribing the fees or rates of fees to be paid by persons making applications to any Board under this Act, and providing for the recovery of any such fee;
- (b) providing for the payment of remuneration and travelling allowances to members of the Board of Review or of any Rent Control Board;
- (c) providing for the payment of travelling expenses to any person who, on being summoned by a Board on its own motion, appears before it for the purpose of giving any evidence or producing any document.

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

Offences and penalties.

(2) Where any prosecution against the landlord of any premises for any alleged contravention of the provisions of section 3 or section 8 is instituted by or at the instance of the tenant of such premises, then no prosecution against such tenant for any contravention of those provisions by reason of any payment or offer of payment alleged to have been made by him in respect of those premises, shall be instituted or maintained—

- (a) at any time while the proceedings in the prosecution against the landlord are pending; or
- (b) at any time after the proceedings have terminated, if the landlord is, in such proceedings, convicted of the offence with which he was charged.

In this sub-section, "tenant" includes any person seeking to be the tenant of any premises.

Regulations.

24. (1) The Minister may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the provisions and principles of this Act.

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

Every regulation so approved by the Senate and the House of Representatives shall, upon the notification of such approval in the *Gazette*, be as valid and effectual as if it were herein enacted.

Enforcement of Act by authorised officers.

25. (1) In this section, "authorised officer" means every officer of the Government or of any local authority who is declared by Order of the Minister to be an authorised officer for the purposes of this Act.

(2) The Minister shall in every declaration made under sub-section (1) in relation to any officer specify the area or areas in which such officer may exercise the powers and functions of an authorised officer under this section; and any area also specified in respect of any such officer is hereinafter referred to as "the area of his appointment".

Every Order under sub-section (1) shall be published in the *Gazette*.

(3) It shall be lawful for an authorised officer—

(a) to institute a prosecution in respect of any offence under this Act alleged to have been committed within the area of his appointment;

(b) to make to the Board, at the request of the tenant of any premises situated within the area of his appointment, any application authorised by this Act to be made to the Board by such tenant;

(c) to make such inquiry as may be necessary in the event of any complaint being made to him of any contravention of this Act alleged to have been committed within the area of his appointment; and for the purposes of such inquiry, to enter upon any premises at any reasonable time of the day for the purpose of inspecting such premises or of obtaining information with respect to the matter of the complaint; and

(d) generally to make such inquiries and to take such steps, and, in accordance with regulations made in that behalf, to exercise such powers of inspection or otherwise, as may be necessary to secure compliance with the provisions of this Act.

(4) Every authorised officer shall be deemed to be a public servant within the meaning of the Penal Code.

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Owner deemed to be landlord in certain cases.

26. (1) In any case where the rent of any premises is collected, from the person in actual occupation thereof, by a person who is neither the owner of the premises nor the tenant thereof under a written contract of tenancy executed in his favour; then the person by whom the rent is so

collected shall be deemed to be the agent of the tenant under the last of such contracts or, if there be no such contract, to be the agent of the owner of the premises; and in any such case, for the purposes of this Act, the person in actual occupation of the premises shall be deemed to be the tenant of the premises, and the tenant under the last such contract or, as the case may be, the owner of the premises, shall be deemed to be his landlord.

(2) In sub-section (1), "owner", in relation to any premises, means the person who would be entitled to possession of the premises if they were not let for the time being.

27. In this Act, unless the context otherwise requires— Interpretation.

"Board", in relation to any premises, means the Rent Control Board established under section 19 for the area in which the premises are situated;

"business premises" means any premises other than residential premises as hereinafter defined;

"landlord", in relation to any premises, means the person for the time being entitled to receive the rent of such premises, and includes any tenant who lets the premises or any part thereof to any sub-tenant;

"prescribed" means prescribed by regulation;

"regulation" means a regulation made under section 24;

"residential premises" means any premises for the time being occupied wholly or mainly for the purposes of residence.

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

29. (1) The Rent Restriction Ordinance, No. 60 of 1942, as amended from time to time, shall, on the date appointed by the Minister by Order under section 1 of this Act, be repealed: Repeal and transitional provisions.

Provided, however, that notwithstanding such repeal—

(a) every order or decision made by any Assessment Board or the Board of Review under that Ordinance in relation to any premises to which this Act applies shall be deemed to be an order or decision made by the Rent Control Board or the Board of Review under the corresponding provisions of this Act and shall have effect accordingly;

(b) the Board of Review appointed under section 12A of that Ordinance shall continue to hold office as the Board of Review constituted under section 21 of this Act, and the members thereof shall hold office in like manner as though the said section 21 had been in operation at the time of their appointment as such members;

(c) all regulations made under that Ordinance and in force immediately prior to the date

aforesaid shall be deemed to be regulations made under this Act, and may accordingly be amended, added to or revoked by regulation made under this Act;

- (d) all proceedings which at the date aforesaid are pending before any Assessment Board under that Ordinance shall be heard and continued before that Assessment Board in all respects as though that Ordinance had not been repealed.

(2) Notwithstanding anything in section 2 (4) of this Act, the provisions of sub-section (1) of section 13 of this Act (which restrict the right to institute or entertain proceedings for the ejection of a tenant) shall during the period of six months from the date appointed by the Minister under section 1, apply in relation to all premises which, though not being premises to which this Act applies, were premises to which the Rent Restriction Ordinance, No. 60 of 1942, applied immediately prior to the date aforesaid.

Section 2 (5).

SCHEDULE.

Regulations as to excepted premises.

1. For the purposes of these regulations "annual value" means the annual value of the premises as assessed for the purposes of any rates levied by any local authority under any written law during the month of November, 1941, or, in the case of premises first assessed or first separately assessed thereafter, such annual value as so first assessed or first separately assessed.

2. Any premises situated in any area specified in column 1 hereunder shall be excepted premises for the purposes of the Act if, being premises of the description mentioned in column 2, the annual value thereof exceeds the amount specified in the corresponding entry in column 3:—

1. <i>Area.</i>	2. <i>Description of premises.</i>	3. <i>Annual Value.</i>
Municipality of Colombo	(a) residential premises	Rs. 2,000
	(b) business premises	Rs. 6,000
Municipality of Kandy, Galle or any other Municipality	(a) residential premises	Rs. 1,500
	(b) business premises	Rs. 4,000
Town within the meaning of the Urban Councils Ordinance, No. 61 of 1939	(a) residential premises	Rs. 1,000
	(b) business premises	Rs. 2,000
Town within the meaning of the Town Councils Ordinance, No. 3 of 1946	(a) residential premises	Rs. 500
	(b) business premises	Rs. 1,000

3. Any premises situated in any area in which the Act is in operation (not being a Municipality or a town within the meaning of the Urban Councils Ordinance, No. 61 of 1939, or the Town Councils Ordinance, No. 3 of 1946) shall be excepted premises for the purposes of the Act—

- (a) if at the appointed date such premises were let at a rent exceeding Rs. 500 per annum in the case of residential premises or Rs. 1,500 per annum in the case of business premises, or
- (b) where such premises were not let at that date, if they are first let thereafter at a rent exceeding Rs. 500 per annum, or Rs. 1,500 per annum, as the case may be:

Provided, however, that the Board may, on the application of the tenant, declare that any premises referred to in the preceding provisions of this regulation are not excepted premises, if the Board is satisfied that the fair rental value of the premises is not more than Rs. 500 per annum, or Rs. 1,500 per annum, as the case may be.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency. In the matter of the insolvency of John Yesudian No. 5,800. of 57/b, Carmel road, Colpetty, Colombo, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 25, 1949, to consider the grant of a certificate of conformity to the above-named insolvent.

By order of court, M. N. PIERIS, Secretary
December 20, 1948.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo

(1) Pana Lana Sevugam Chettiar, (2) Pana Lana Annasalam Chettiar, (3) Kavanna Periyakaruppan Chettiar, and (4) Payna Recna Ramanathan Chettiar, all carrying on business under the name, style and firm of S. S. A. R. at 188, Sea street, Colombo. Plaintiffs.

No. 2,089/M.B. Vs.

Darawatte Mudiyanselego Joseph Alexander, carrying on business under the name, style and firm of Priethisiri Tea Kiosk, at 95, Van Rooyen street, Colombo. Defendant.

NOTICE is hereby given that on Monday, January 17, 1949, at 2.30 P.M. will be sold by public auction at Priethisiri Tea Kiosk, at 95 Van Rooyen street, Colombo, the following property mortgaged with the plaintiff by bond No. 945 dated December 23, 1947, and attested by K. Ramanathan, Notary Public, Colombo, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by the order of court dated October 26, 1948, viz.:

All the furniture and fittings, stock in trade including the goodwill of the defendant's business, carried on by him the said obligor (defendant) under the name, style and firm of Priethi Sri Tea Kiosk, at 95, Van Rooyan street, Colombo, including the following:—

Five local granite tables, 12 chairs, 6 pictures, 1 mirror, 1 electric clock, 2 glass show cases, 1 boiler, 1 radio bearing No. MAS 282/3155, and all things now lying at the said premises and which may hereafter be brought into the premises and sugar and flour permits Nos. 2,548

Fiscal's Office, G. M. CHINNATAMBY,
Colombo, December 20, 1948. Deputy Fiscal.

In the Court of Requests of Colombo.

Arthur H. Abeyratne of Fairholme, Timbiringasyaya, Colombo. Plaintiff.

No. 9,118 Vs.

Mis A. Joseph, presently of 18, Aloe avenue, Colpetty, Colombo. Defendant.

NOTICE is hereby given that on Tuesday, January 18, 1949, at 2.30 P.M., will be sold by public auction at the premises the right, title and interest of the said defendant in the following property for the recovery of the sum of Rs. 267.31, with legal interest thereon from September 22, 1947, and costs of suit taxed at Rs. 26.75 incurred and Rs. 15.60 prospective costs less Rs. 200, viz.:

All that allotment of land called Mesthriyawatta, situated at Kollupitiya lane, Kollupitiya, within the Municipality and District of Colombo, Western Province, with the building thereon formerly bearing assessment No. 5, presently No. 31, Kollupitiya lane; and bounded on the north by the garden of G. John, now of W. Dias, on the east by a road now the property bearing assessment No. 6, on the south by Kollupitiya lane, and on the west by the properties bearing assessment Nos. 3A and 4A; and containing in extent 23 99/100 perches, according to plan No. 840, dated April 12, 1919, made by A. Daniel, Licensed Surveyor.

Fiscal's Office, M. CHINNATAMBY,
Colombo, December 20, 1948. Deputy Fiscal.

In the District Court of Colombo.

P. R. P. L. Palaniappa Chettiar of 113, Sea street, Colombo. Plaintiff.

No. 9,446/S. Vs.

D. W. Wanigasekera of 305, Mirihana, Nugegoda. Defendant.

NOTICE is hereby given that on Monday, January 31, 1949, at 2.30 P.M. will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 1,378 with interest on Rs. 1,300 at 12 per cent. per annum from July 5, 1948, till July 31, 1948, and thereafter legal interest on the aggregate amount at 5 per cent. per annum till payment in full and costs of suit, viz.:

All that lot E of the land called divided two-eighth portion of Maragahawatta with the tiled house standing thereon, situated at Mirihana, in the Pallo pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by Rose, death of Mrs. Driberg, on the east by lot F, on the south by cart road to the quarry, and on the west by lot D, containing in extent 24 perches according to plan No. 449 dated November 7, 1939, made by W. B. Perera, Licensed Surveyor, together with the trees, plantations, and all other appurtenances thereunto belonging.

Fiscal's Office,
Colombo, December 20, 1948.

G. M. CHINNATAMBY,
Deputy Fiscal.

In the District Court of Colombó.

(1) P. L. S. P. Suppramaniam Chettiar and (2) P. L. A. Annamalai, both carrying on business under the name, style, and firm of P. L. S. P. A. Suppramaniam Chettiar, at 217, Sea street, Colombo. Plaintiffs.

No. 9,651/S. Vs.

(1) J. M. A. Cader of 135, Keyzer street, Pettah, Colombo. Defendant.

NOTICE is hereby given that on Monday, January 17, 1949, at 10 A.M. will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 1,300 together with legal interest thereon from August 25, 1948, till payment in full and costs of suit, less Rs. 700, viz.:

All that land and premises bearing assessment Nos. 187, 123/1/1, 1/2, 1-2, 2A, 3-6, 8-12, situated at St. Sebastian Hill, within the Municipality and District of Colombo, Western Province; and bounded on the north by property belonging to N. Nanji, bearing assessment No. 119, east by property bearing assessment No. 145, belonging to D. M. F. Jayatunga, south by premises bearing assessment No. 131 and west by St. Sebastian street; containing in extent 15 28/100 perches; and registered in A 310/220.

Fiscal's Office,
Colombo, December 20, 1948.

G. M. CHINNATAMBY,
Deputy Fiscal.

In the District Court of Kalutara.

Galpawage Don Peras Appuhamy of Agalawatta. Plaintiff.

No. 23,409 D.C.K. Vs.

Pangha Sangara Don Robert Moonasingha of Matugama. Defendant.

NOTICE is hereby given that on Monday, January 31, 1949, at 11 o'clock in the forenoon 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 a sum of Rs. 20 being damages per month from November 20, 1942, till the plaintiff is restored to possession and costs Rs. 538.47 plus cost of stamps Rs. 9 for affidavit, viz.:

An undivided 1/8 share from and out of the land called Maragahawela alias Kahatagahawela land Keenagaha owita alias Maragaha owita, situated at Bladuwa, Udagoda pattu of Pasdun korale west in the District of Kalutara, Western Province, and bounded on the north by road, Pandithamillakele, Millagahaumulla, east by Katukunundagahalanda, Maragahawelawatta, Kahatagahawatta, Maragahalanda, south by Maragahawelaumulla, Maragahalanda, Catherine estate, Oruwahbagoda, Keenagahawela and Kahatagahawela; and on the west by Kohuwalakattiya; containing in extent 22 acres 1 rood 7 perches.

Deputy Fiscal's Office,
Kalutara, December 20, 1948.

R. DE S. KAVIRATNA,
Additional Deputy Fiscal.

In the District Court of Kalutara.

(1) Palliyaralage Dona Eugacia Almeida, (2) Warnasuriyapatabendige Margaret Warnasuriya, both of Palyagala, (3) Simon Henry de Joodt of Beruwala. Plaintiffs.

No. 25,743 Vs.

Asana Marikkar Pathuma of Polkotuwa, Beruwala. Defendant.

NOTICE is hereby given that on Saturday, January 29, 1949, at 11 o'clock in the forenoon 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. 1,675 with interest on Rs. 1,500 at 16 per centum per annum from November 7, 1945, till November 6, 1946, and thereafter at the rate of 9 per centum per annum on the aggregate till payment in full, less Rs. 550 paid, and costs Rs. 248.27, viz.:

An undivided 1/8 share of the soil and the plantations and of the buildings thereon of the south-western 1/8 portion of the land called Polkotuwewatta bearing assessment No. 934, situated at Beruwala in Beruwala badda of Kalutara totamuna in the District of Kalutara, Western Province; and bounded on the north by a portion of Polkotuwewatta in the name of R. Juan Fernando and Philip Fernando, east by portion of Polkotuwewatta, south by cart road and Subayawatta, and west by Polkotuwewatta, portion in the name of Philip Fernando and Stephen Fernando; containing in extent 35 1/2 perches.

Deputy Fiscal's Office,
Kalutara, December 15, 1948.

R. DE S. KAVIRATNA,
Additional Deputy Fiscal.

In the District Court of Avissawella.

Wegasinghe Aracage Marthelis of Panadure. Plaintiff.

No. 4,605. Vs.

Jayasooriyage John Singho of Panaluwa. Defendant.

NOTICE is hereby given that on Saturday, January 15, 1949, at 2.30 P.M. will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 100 and further damages at Rs. 10 per month from January 22, 1946, till restoration of possession and costs Rs. 118.15, viz.:

The land called Kelagahawatta, situated at Panaluwa in Meda pattu of Hewagam korale; and bounded on the north by Jayasooriyagewatta and Samarasingewatta, east by field belonging to Mabalage people, south by Siyabalagahawatta and on the west by Mabalagewatta; and of the extent of about 2 acres and also the tiled house standing thereon.

Fiscal's Office,
Avissawella, December 16, 1948

S. D. WILFRED,
Deputy Fiscal.

In the District Court of Colombo.

William Melder of 38, Deanstone place, Colpetty,
Colombo. Plaintiff.

No. 8,148/S.

Vs.

Hiripitiyage Dona Cecilhana Nandaseeli Puswella, executrix of
the estate of D. S. Puswella, Meegoda, deceased. Defendant.

NOTICE is hereby given that on Saturday, January 15, 1949, at 9 o'clock in the morning, will be sold by public auction at the office of the Deputy Fiscal, Avissawella, the right, title, and interest of the said defendant, as executrix of the estate of the aforesaid D. S. Puswella in the following property, for the recovery of Rs. 32,000 with interest thereon at 5 per cent. per annum from July 29, 1947, till September 30, 1947, and thereafter legal interest on the aggregate amount at 5 per cent. per annum till payment in full and costs of suit less Rs. 14,500, viz. —

5,149 lbs. of Smoked Rubber Sheets bearing Marks H. W., 418 lbs. of froth rubber, 1,590 lbs. of dry rubber, 23 lbs. of cutting pieces, 2,135 lbs. of scrap rubber, 8,567 lbs. of pale crepe, being the produce of Nooran estate, situated at Meepe and Galagedara in Medapattu of Hewagama-korale, Colombo District, Western Province; and Clara estate situated at Kudagama in Dehigampala Korale of Three korales, Kegalle District, Province of Sabaragamuwa. Valuation Rs. 9,806.01.

Fiscal's Office,
Avissawella, December 20, 1948.S. D. WILFRED,
Deputy-Fiscal.**Central Province.**

In the District Court of Colombo.

Bank of Ceylon Plaintiff.

No. 2026-MB/496/48.

Vs.

(1) Selliahpillai Sappanpillai Selliahpillai of Kandapola,
(2) Sangarapillai Thambiah, and (3) Mrs. Murugeser Thambiah, both of Karampon, Kayts. Defendants.

NOTICE is hereby given that on Saturday, January 15, 1949, at 10.30 in the morning, will be sold by public auction at the firewood depot and at St. Andrew's garage, Nuwara Ehya, the right, title and interest of the said 1st defendant.

All motor vehicles registered in the name of the 1st defendant and the particulars of which are as follows:—

(1) The Ford motor lorry bearing registered No. CE 3037 and engine No. 4G 6848F, (2) the Chevrolet motor lorry bearing registered No. Z 7367 chassis No. XTTO 3101 and engine No. 1410045, and (3) the Ford motor lorry bearing registered No. Z 2571 and engine No. 138BBZF 12339 (now bearing engine No. 4G7061F) together with all other motor vehicles which might be registered in the name of the 1st defendant and all the estate, right, title, interest, property claimed and demand whatsoever of the 1st defendant into out of or upon the same including the route value and goodwill attached to the said motor vehicles (all of which are hereinafter sometimes collectively referred to as "the mortgaged property") mortgaged by the said bond No. 985 dated December 17, 1946, were thereby declared specially and primarily bound and executable for the payment of the said sum of Rs. 8,088.10 interest and cost (being balance principal and interest calculated up to April 30, 1948, due under and in respect of bond or obligation bearing No. 985 dated December 17, 1946, sued in this action), with interest on Rs. 8,000 at the rate of 6 per cent. per annum from May 1, 1948, till date of decree and thereafter on the aggregate amount of the decree at the rate of 5 per cent. per annum till date of payment in full and costs of suit (bill not yet taxed).

Fiscal's Office,
Nuwara Ehya, December 14, 1948.T. F. K. ABAYASEKERA,
Additional Deputy Fiscal.**Southern Province.**

In the District Court of Tangalla.

(1) Jusinga Abeyuriya of Dodampahala and others. Plaintiffs.

No. 4,381.

Vs.

(1) Mendis Mathangawera of Ekkassa and others. Defendants.

NOTICE is hereby given that on Saturday, January 29, 1949 at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st, 2nd, 3rd, 5th and 6th defendants and added defendant in the following property, for the recovery of Rs. 994.27 and legal interest on Rs. 606.48 from January 31, 1948, till payment in full.

At Bemniyanwala.

All that undivided one-eighth (1/8) share of the field called Hanganwagureyaya-Medpotawa alias Wijesinpotawa, comprising of T. P. 247121, situated at Bemniyanwala, an east Gurusu pattu of the Hambantota District, Southern Province, and bounded on the north by T. Ps. 174639, 166395, 170708 and 160096 and reservation for a road, east by T. Ps. 160096, 160097 and 156172 and reservation for a road, south by T. P. 156172, and west by T. P. 174639 and reservation for a road, and containing in extent 41 acres and 12 perches (A.41, P. 12).

Fiscal's Office,
Tangalla, December 15, 1948.E. V. SAMARAJIWA,
Additional Deputy Fiscal.**Northern Province.**

In the Court of Requests of Kayts.

Sithan Raman of Karaitivu North. Plaintiff.

No. 6.461.

Vs.

(1) Sellammah, widow of Subramaniam Ponnampalam, (2) Ponnampalam Palasubramaniam, minor, by his guardian *ad litem* Achchumuttu, widow of Kandiah, and (3) Paramjothy, daughter of Ponnampalam, minor, by her guardian *ad litem* Sithamparapillai Kantiappar, all of Karaitivu-North. Defendants.

NOTICE is hereby given that on Monday, January 17, 1949, at 2 o'clock 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 property for the recovery of the sum of Rs. 219.67 with interest on Rs. 192.92 at the rate of 5 per cent. per annum from October 31, 1947, until payment in full and poundage and charges, viz. —

S. R. A.

All that piece of land situated at Valanthala in Karaitivu North, Karaitivu Paish, Islands Division of the Jaffna District, Northern Province, called Sadaiah; in extent 10 lachams varagu culture, according to survey 11 lachams varagu culture and 15½ kuhes with young palmyras and coconut plants; and bounded on the east by the property of Ponnar Arumugam and Arumugam Arunasalam, on the north by the property of Sinnappillai, wife of Thambipillai, on the west by the property of Ponnammah, widow of Ampalam, and front of lane, and on the south by the property of Pavul Joseph.

Fiscal's Office,
Jaffna, December 18, 1948K. C. CHELLAPPAH,
for Fiscal**Eastern Province.**

In the District Court of Trincomalee.

Vallipuram Chinniah of Alankerni. Plaintiff.

No. 2,863

Vs.

Nagapper Velupillai of Alankerni. Defendant.

NOTICE is hereby given that on Saturday, January 22 1949, at 2.30 in the afternoon, will be sold by public auction at the spot the following property, for the recovery of Rs. 355.25 with interest thereon at the rate of 9 per cent. from December 19, 1946 until payment in full and costs of suit, Rs. 153.80; Fiscal's fees and charges and poundage, viz. —

A piece of field called Thidalchenai, out of an allotment of 4 lots called Sumpalaakandadi situated at Kandalkadu, Sinnakinniya, Tamblegampattu, Trincomalee District, Eastern Province, with all rights relating thereto. Boundaries are:—On the north by lands belonging to Naganuttu Mutucumari and others, east by land belonging to Rasanachiar, widow of Sankandan, south by lands belong to M. I. A. Rasool and Crown land, west by lands belonging to M. M. H. M. Elnihar Hadjar and others; in extent 8 acres.

Deputy Fiscal's Office,
Trincomalee, December 15, 1948. B. VRASPILLAI,
Additional Deputy Fiscal

In the District Court of Trincomalee.

Murugesu Vyramuttu, Division 8, Trincomalee. Plaintiff.

No. 3,056.

Vs.

(1) Retnamma, widow of Thiagarajah Kurukkal, (2) B. Ruth-rany Devi, wife of K. C. Balasubramaniam Iyer, both of Punnal, Kadduwan, in Chunnakam in Jaffna. Defendants.

NOTICE is hereby given that on Saturday, January 15, 1949, commencing at 10 o'clock in the forenoon, will be sold by public auction at the spot the following properties for the recovery of Rs. 2,558 being the aggregate amount of the principal, interest and costs, due in respect of Mortgage Bond No. 180 dated June 26, 1944, and attested by Mr. J. A. P. Thurannayagam, Notary Public, with interest on Rs. 2,000 at 10 per cent. per annum from February 28, 1948, till April 29, 1948, and thereafter at 5 per cent. until payment in full and costs of suit Rs. 192.70 (less Rs. 797), Fiscal's fees and charges and poundage, viz. —

1. An allotment of land called "Vellukaduthidal" in Tamblegam, Tamblegampattu, Trincomalee District, Eastern Province; bounded on the north by T.P. 236,919, east by T.P. 236,917 and channel, south by channel claimed on T.P. 202,299 and Katakatu Alavarium claimed by the Trustees of the Konanayar Kovil, west by Kanna Kattalavarai claimed by Trustees of the Konanayar Kovil and T.P. 108,438 and 186,348; in extent 4 acres 1 rood 18 perches.

2. An allotment of land called Kannavedduvankadu in Tamblegam aforesaid; bounded on the west and north by reservation for a road, east by lot 94,801 in P.P. 4,088 and T.P. 207,443, 235,669 and 235,670, south by lot 2,219 in P.P. 4,923, in extent 4 acres 1 rood and 12 perches.

3. All that piece of land together with the house of three rooms, well, coconut trees, situated at Kovilkudiruppu in Tamblegam aforesaid; bounded on the north by the property belonging to Konanayar Kovil, east by fields belonging to Konanayar Kovil, west by lane and south by property belonging to Konanayar Kovil; in extent 30 perches.

Deputy Fiscal's Office,
Trincomalee, December 15, 1948.B. VRASPILLAI,
Additional Deputy Fiscal.

I, Don Charles Rajakaruna Gunawardana, Fiscal for the Eastern Province, do hereby appoint Mr. Albert Edward Canagasabay, clerk, Fiscal's Office, Batticaloa, to be my Marshal for the Division of Kalmunai, with effect from January 1, 1949, until further orders, under Ordinance No 4 of 1867, and authorise him to perform the duties and exercise the authority of Marshal for which this shall be his warrant.

Fiscal's Office, Batticaloa, December 15, 1948. D. C. R. GUNAWARDANA, Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Don Rachel Jurisdiction. Cicaliana Dias (nee Wijekwardene) of Mampé. No. 13,277. Kebbewa, deceased.

Hübert Abraham Wijekwardene of Mampé, Kebbewa. Petitioner.

THIS matter coming on for disposal before D. A. Leary, Esq., Additional District Judge of Colombo, on December 21, 1948, in the presence of Mr. V. A. Jayasinghe, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated July 7, 1948, having been read.

It is ordered that the petitioner above named be and he is hereby declared entitled, as son of the deceased, above named, to have letters of administration to the estate of the deceased issued to him, unless any person or persons interested shall, on or before February 3, 1949, show sufficient cause to the satisfaction of this court to the contrary.

December 22, 1948. V. S. JAYAWICKRAMA, Additional District Judge.

In the District Court of Panadura.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Kudatelge Henry Cornelis Peiris of Sarikkalmulla, No. 137. deceased.

Mahamarakkalapatabendige Millie Sarana Peiris, nee Rodrigo of Sarikkalmulla. Respondent.

THIS matter coming on for disposal before C. X. Martyn, Esq., District Judge of Panadura, on November 24, 1948, in the presence of Messrs. Fernando & Fernando, Proctors, on the part of the petitioner; and the affidavit of the above-named petitioner dated September 12, 1948, the affidavit of the witness and notary to the last will dated September 12, 1948, and the said last will and its translation filed of record in this case having been read.

It is ordered that the petitioner be entitled, as executor named in the said last will, to have probate of the said last will issued to her, unless any person or persons interested shall, on or before January 26, 1949, show sufficient cause to the satisfaction of the court to the contrary.

December 10, 1948. C. X. MARTYN, District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Don Waisan Jurisdiction. Seneviratna, Village Headman of Maha No. 3,346. Payagala, deceased.

(1) Nanda Chandra Seneviratna, nee Jayasekera of Elagawatta, Payagala. Petitioner.

Vs.

(1) Anet Hemà Seneviratna, (2) Waruna Padma Seneviratna, (3) Atula Priyankara Seneviratna, (4) Damayanti Seneviratna, (5) Sumitra Seneviratna, (6) Sarath Lakshman Seneviratna, (7) Lalitha Seneviratna, all of Elagawatta aforesaid, minors, by their guardian *ad litem* the 8th respondent, (8) John Andreas Block of 34, Fair Lane road, Dehiwala. Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq., District Judge of Kalutara, on October 16, 1948, in the presence of Messrs. Fernando & Goonetilleke, Proctors, on the part of the petitioner; and the affidavit of the above-named petitioner dated August 16, 1948, having been read.

It is ordered that the petitioner above named, as wife is entitled to have letters of administration issued to her to the estate of Don Waisan Seneviratna, deceased, unless the respondents or any other person or persons interested shall, on or before January 21, 1949, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and decreed that the said John Andreas Block, 8th respondent, be appointed guardian *ad litem* over the 1st to 7th respondents and that the said Nanda Chandra Seneviratna, nee Jayasekera, is entitled to have letters of administration issued to her accordingly, unless the respondents or others interested shall, on or before January 21, 1949, show sufficient cause to the satisfaction of the court to the contrary.

November 26, 1948. M. C. SANSONI, District Judge.

In the District Court of Galle.

Order Absolute in the First Instance declaring will proved.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Nanayakkara Sipkakuwe Paliye Sattambige No. 3,308. Nonababa of Hatuwapiyadigama deceased.

Nanayakkaravassan Liyanage Charles de Silva of Hatuwapiyadigama. Petitioner.

THIS matter coming on for disposal before Victor E. Rajakarari, Esq., District Judge of Galle, on December 3, 1948, in the presence

of Mr. R. Wickramasinha, Proctor, on the part of the petitioner; and the affidavits of (1) the petitioner dated August 24, 1948, (2) the attesting notary dated September 30, 1948, (3) attesting witness dated September 17, 1948, having been read.

It is ordered that the last will No. 546 dated September 30, 1942, attested by S. P. A. Gunawardana of Galle, Notary Public of Nanayakkara Sipkakuwe Paliye Sattambige Nonababa, the deceased, the original of which has been deposited in this court, be and the same are hereby declared proved and it is further declared that the said Nanayakkaravassan Liyanage Charles de Silva, the petitioner 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.

December 3, 1948. VICTOR E. RAJAKARIAR, District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Tiddy Irene Gooneratne; late of Welweriya in No. 4,369. Matara, deceased.

Edmund Jayaweera of Welweriya in Matara. Petitioner.

And

(1) Robert Jayaweera, (2) Juliet Jayaweera, (3) Susila Jayaweera, (4) Beatrice Jayaweera, (5) Simona Jayaweera, all of Welweriya, minors, by their guardian *ad litem* (6) Annie Jayaweera of Welweriya. Respondents.

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge of Matara, on November 1, 1948, in the presence of Mr. C. V. Samarasinghe, Proctor, on the part of the petitioner; and the affidavit of the subscribing witnesses and the attesting notary dated June 24, 1948, and the affidavit of the petitioner dated April 1, 1948, having been read.

It is ordered that the last will and testament of Tiddy Irene Gooneratne, deceased, above named, the original of which has been deposited in this court, be and the same is hereby declared proved, and that the petitioner, the executor named in the said will, be and he is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before December 13, 1948, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 6th respondent be and she is hereby appointed guardian *ad litem* over the 1st to 5th minor respondents, unless the respondents or any others interested in the estate shall, on or before December 13, 1948, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1948. L. B. DE SILVA, District Judge.

Date for showing cause extended to February 14, 1949.

December 12, 1948. L. B. DE SILVA, District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Vitanage Don Luwisappahamy of Kotawila, No. 4,342. deceased.

Dambure Liyanage Caroline Nona of Kotawila. Petitioner.

Vs.

(1) Gabriel Vitarana of Kotawila, (2) Tiddy ditto of Pölvatta, (3) Andriayas ditto of ditto, (4) Singathadasa ditto of ditto, (5) Nandadasa ditto of ditto, (6) Amaradasa ditto of ditto, (7) Kusuma ditto of ditto. Respondents.

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge of Matara, on October 11, 1948, in the presence of Mr. E. P. Wijekunga, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 18, 1947, and that of the attesting notary and witnesses dated August 13, 1948, having been read.

It is ordered that the last will and testament of Vitanage Don Luwisappahamy of Kotawila, 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 that the said petitioner be and she is hereby declared as executor to have probate with copy of the said will annexed issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 29, 1948, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the 6th and 7th minor respondents, unless the respondents above named or any other person or persons interested shall, on or before November 29, 1948, show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1948. L. B. DE SILVA, District Judge.

The date for showing cause is extended to January 17, 1949.

November 29, 1948. L. B. DE SILVA, District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mutumalage Podisimno alias Matheshamy, late of Kudawelle East, Nakulugamuwa, deceased.
No. 1,429.
Mutumalage Andiris of Kudawelle East, Nakulugamuwa Petitioner.

Vs.

(1) Mutumalage Appu Sinnol of Kudawelle East, Nakulugamuwa, (2) Mutumalage Hinappu of Deberawewa in Tissamaharama, (3) Mutumalage Nonahamy alias Maggie Nona of 35, Tikburn lane, 2nd Division, Maradana, Colombo Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Tangalla, on September 24, 1948, in the presence of Mr. H. D. Rajanatunga, Proctor, on the part of the petitioner above named; and the petition dated February 24, 1948, of the petitioner above named having been read:

It is ordered that the petitioner above named be and he is declared entitled, as father of the deceased above named, to have letters of administration to the estate of the said deceased issued to him, unless the respondents above named or any person or persons interested in the said estate shall, on or before October 29, 1948, show sufficient cause to the satisfaction of the court to the contrary.

September 24, 1948. O. L. DE KRETSEK (JUNIOR), District Judge.
The above Order Nisi is extended for November 26, 1948.

October 29, 1948. H. D. RAJANATUNGA, District Judge.
The above Order Nisi is extended for January 7, 1949.

November 26, 1948. O. L. DE KRETSEK, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Ramupillai Velupillai of Achchelu, Chunnakam, deceased.
No. 959.
Thangammah, widow of Velupillai of Achchelu, Chunnakam Petitioner.

Vs.

(1) Velupillai Parameswari, (2) Velupillai Maheswaran, (3) Velupillai Nadarajah, (4) Velupillai Sangarapillai, (5) Ramupillai Ambalavarnar, all of Achchelu, Chunnakam Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on December 2, 1948, in the presence of Mr. R. Sivasupramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 22, 1948, having been read:

It is ordered that the 5th respondent be and he is hereby appointed guardian *ad litem* over the 1st, 2nd, 3rd and 4th respondents for the purpose of these proceedings, unless the respondents or any other person interested shall, on or before January 12, 1949 show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner be and she is hereby declared entitled to have letters of administration to the estate of the above-named deceased issued to her as his widow, unless the respondents or any other person or persons interested shall, on or before January 12, 1949, show sufficient cause to the satisfaction of this court to the contrary.

December 15, 1948. R. R. SELVADURAI, District Judge.

In the District Court of Kurunegala.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Marasingha Mudianselage Jiwan Naidege Mudalihany of Kirindiwelwada, deceased.
No. 4,770.
Tittalapatiya Leisi Elpinona Perera of Kirindiwelwada in Mahagalboda Egoda korale Petitioner.

And

(1) Marasingha Mudianselage Stephen Marasingha, (2) ditto Hettiaratchi, both of Kirindiwelwada, minors, by their guardian *ad litem* (3) Marasingha Mudianselage Jiwan Naidege of Kirindiwelwada aforesaid Respondents.

THIS matter coming on for disposal before W. G. Spencer, Esq., Additional District Judge of Kurunegala, on November 5, 1948, in the presence of Mr. R. G. de Silva, Proctor, for the petitioner above named; and the affidavit of the said petitioner dated November 5, 1948, having been read:

It is ordered that the 3rd respondent be and he is hereby appointed guardian *ad litem* over the 1st and 2nd minor respondents for the purpose of these proceedings, unless the respondents shall, on or before December 17, 1948, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration issued to her, unless the respondents or any person or persons shall, on or before December 17, 1948, show sufficient cause to the satisfaction of this court to the contrary.

November 5, 1948. W. G. SPENCER, Additional District Judge.

Date for showing cause is extended till February 11, 1949.

December 17, 1948. W. G. SPENCER, Additional District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Porutotage Austin Fernando of Bingiriya, deceased.
No. 2,420.
Porutotage Wilfred Fernando of Bingiriya Petitioner.

Vs.

(1) Balasuriya Aratchige Wimalfredahamy, (2) Porutotage Pabilina Fernando, (3) Porutotage Mary Fernando, (4) Porutotage Alexander Fernando, all of Bingiriya Respondents.

THIS matter coming on for disposal before E. Wijewardene, Esq., District Judge of Chilaw, on December 1, 1948, in the presence of Messrs. Corea & Silva, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 1, 1948, having been read:

It is ordered (a) that the 1st respondent above named be and she is hereby appointed guardian *ad litem* of the minors, the 2nd to 4th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as brother of the deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before January 7, 1949, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 1948. E. WIJEWARDENE, District Judge.

MISCELLANEOUS NOTICES.

In the District Court of Colombo.

No. 295/Special. In the Matter of The Associated Tobacco Company, Limited, Colombo.

And

In the Matter of The Companies Ordinance No. 51 of 1938.

NOTICE is hereby given that a petition for the winding up of the above-named Company by the District Court of Colombo, was on October 8, 1948, presented to the said court by Mohamed Mahboub, Abu Bakr of 244, New Moor street, Colombo, appearing by his Proctors, C. M. G. De Saram & Dias Abeyesinghe.

AND that the said petition is directed to be heard before the court on January 31, 1949; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his Counsel or Proctor, for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the prescribed charge for the same.

C. M. G. DE SARAM & DIAS-ABEYESINGHE, Proctors & Notaries, Gaffoor Building, Colombo 1.

Note.—Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named C. M. G. De Saram & Dias Abeyesinghe notice in writing of his intention so to do. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their Proctor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the above-named not later than 1 o'clock in the afternoon of January 29, 1949.

In the District Court of Colombo.

No. 299/Special. In the Matter of The Ceylon Navigation & Salvage Company, Limited.

And

In the Matter of The Companies Ordinance No. 51 of 1938.

NOTICE is hereby given that a petition for the winding up of the above-named Company by the District Court of Colombo, was on November 6, 1948, presented to the said court by Henry Martin Frederic Gaebele of "Lunville", 34, Havelock Road, Colombo, appearing by his Proctors, C. M. G. De Saram & Dias Abeyesinghe.

AND that the said petition is directed to be heard before the court on January 18, 1949, and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his Counsel or Proctor, for that purpose, and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the prescribed charge for the same.

C. M. G. DE SARAM & DIAS-ABEYESINGHE, Proctors & Notaries, Gaffoor Building, Colombo 1.

Note.—Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named C. M. G. De Saram & Dias Abeyesinghe, notice in writing of his intention so to do. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their Proctors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the above-named not later than 6 o'clock in the afternoon of January 17, 1949.