



THE CEYLON GOVERNMENT GAZETTE

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PART II—LEGAL

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

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Notices in Insolvency Cases

In the District Court of Kegalla

Insolvency In the matter of the insolvency of Kalidas Swamiraja
No. 77 Muthuthuvchi of Walakadayaya Estate, Mawanella,
insolvent.

NOTICE is hereby given that the 2nd sittings and examination of the above-named insolvent has been adjourned for December 19, 1952.

By order of court, D. T. ABEYNAYAKE,
Secretary.

November 24, 1952.

Notices of Fiscals' Sales

WESTERN PROVINCE

In the District Court of Panadura

Wicestutyanarachchi Methies Perera of Molligoda Plaintiff.
No. 1594. Vs.

K. John Peiris of Bolessegama, Diyagama Defendant.

NOTICE is hereby given that on Monday, December 29, 1952, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 575.50 together with legal interest thereon from June 21, 1949, till payment in full and costs to be recovered later, viz.:

1. Undivided one fourth plus two ninety-sixth (1/4 plus 2/96) shares of the soil and trees (excluding the second and third plantations) together with the entirety of the new tiled house of the obligor standing thereon of the land called Jamanarangahapitiya-watta, situated at Diyagama in Kalutara Badda of Kalutara Totamune in the District of Kalutara, Western Province; and bounded on the north by ganga and Moragodapitiya, east by Thal-gahawatta and Mahawatta, south by Gala Kumbura, and on the west by Maragahawatta; and containing in extent about two acres and two rods (2A. 2R. P0.)

2. Undivided five upon twelve (5/12) shares of the soil and of the soil share trees together with the entirety of the 2nd plantation to the west of the road and the thatched boutique house standing thereon of the land called Moragodapitiya, situated at Diyagama aforesaid; and bounded on the north by Ketangodayawatta alias Welikanda, east by Kaluganga, south by Jamanarangahapitiya-watta, and west by Appukkittigewatta; and containing in extent about one and half acres (1A. 2R. P0.)

3. An undivided one upon twelfth (1/12) share of the field called Hattuvan Kumbura, situated at Panapitiya in Waskadu Badda of Panadura Totamune of Kalutara District; and bounded on the north by Welgoda Rubber Estate, east by Eriyagaha Kumbura alias Aswedduma, south by Hattuvanwatta, and on the west by Hikgaha Aswedduma; and containing in extent about three bushels of seed paddy sowing.

4. An undivided one upon twelfth (1/12) share of the field called Wellaboda Kumbura alias Kananwala Kumbura, situated at Panapitiya aforesaid; and bounded on the north by Welaboda Kumbura, east by Deniya, south by Kanuketiye Kumbura alias the bund, and on the west by Godaporagahaaswedduma; containing in extent about three bushels of seed paddy sowing.

Deputy Fiscal's Office,
Kalutara, November 29, 1952.

A. H. H. DE SILVA,
for Deputy Fiscal.

In the District Court of Panadura

(1) Koruwage Ansaline Fernando, and (2) Waduge Sedris Fernando, both of Dibbedda Plaintiffs.
No. 1,640. Vs.

(3) Warusahennedige Arlin Sayya, (4) Koruwage Eckmon Fernando, both of Dibbedda, (5) ditto Thobias Fernando of Welipitiya, (6) H. Abraham Fonseka and (7) Rosalin Leelawathie Fonseka, both of Wadduva Defendants.

NOTICE is hereby given that on Wednesday, January 7, 1953, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 3rd, 4th, 5th and 7th defendants in the following property for the recovery of Rs. 804.10 less Rs. 250 paid, viz.:

The right, title, and interest of the 3rd, 4th, 5th and 7th defendants in and out of lot No. 4 together with the house standing thereon of the land called Maragahawatta, situated at Nalluruwa in Talpiti Badda of Panadura Totamune in Kalutara District, Western Province; which said lot No. 4 is bounded on the north by lot No. 3 of the same land, east by lot No. 3 of the same land, south by Maragahawatta, and west by cart road; and containing in extent 1 rood and 14.4 perches as per plan No. 4,476 dated February 7, 1951, made by Mr. J. R. A. Rodrigo, Licensed Surveyor.

Fiscal's Office,
Panadura November 29, 1952.

LIONEL A. POTURERA,
Deputy Fiscal.

In the District Court of Gampaha

Vithanage Simon Appuhamy of Lenagala, Wahareka, Kuan-wella, in the Udugaha Pattu of Siyane Korale Plaintiff.
No. 2,002/L/4,442/L. Vs.

Liyane Pedige Bandiya of Galbooda in the Udugaha Pattu of Siyane Korale Defendant.

NOTICE is hereby given that on Saturday, January 10, 1953, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title and interest of the said defendant in the following property, for the recovery of

a sum of Rs. 884.59 plus Rs. 21 being costs ordered on May 4, 1951, plus Rs. 5.60 being execution costs totalling Rs. 911.19 due to the plaintiff in the above case, and charges, poundage, &c. viz.:-

SCHEDULE OF THE PROPERTY REFERRED TO

(1) Lot No. 10 appearing in plan No. 605 dated September 11, 1948, made by Mr. J. Malalagama, Licensed Surveyor, from and out of all that allotment of land called Batalope Kumbura, situated at Opathella in the Udugaha Pattu of Siyane Korale in Colombo District, Western Province; which said lot No. 10 is bounded on the north by lot No. 9, east by Ande Kumbura of L. P. Bandiya and others, south by Gollupalliya of L. P. Biluda and on the west by high land of Hawadiya and Dunga, and containing in extent (A0. R0. P12.91).

(2) The undivided 1/4th share of the land called "Portion of Gorakagahawatta" and the entirety of the radjan thatched house standing thereon, situated at Galboda in the Udugaha Pattu of Siyane Korale in Colombo District, Western Province, and bounded on the north by the land of Dinguniya and others, east by Galkanda, south by the estate of the late Honourable Mr. James Peter Obeysekera, and on the west by the ditch of a portion of this land belonging to Subaya; and containing in extent about 5 acres.

(3) All that undivided 201/432 shares of an undivided extent of one acre from and out of the land called Gorakagahawatta, situated at Galboda in the Udugaha Pattu of Siyane Korale in Colombo District, Western Province; and bounded on the north by the live fence of the land of Biluda, east by Crown land, south by the land of Unguwa, and west by the land of Mr. Obeysekera, Proctor; containing in extent about 4 acres.

Fiscal's Office,
Gampaha, November 25, 1952.

P. R. COREA,
Deputy Fiscal.

NORTHERN PROVINCE

In the District Court of Jaffna

(1) Thamboo Kanagaretnam and wife, (2) Sunnamah of Chivatheru
Plaintiffs.
No. 8,480. Vs

Subramaniam Selladurai of Chivatheru Defendant.

NOTICE is hereby given that on Monday, December 29, 1952, at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 375.70 with interest thereon at the rate of 5 per cent. per annum from December 19, 1951, until payment in full and costs of suit being Rs. 129.15 poundage and charges, viz.:-

S.R.A.—An undivided 1/5th share of all that piece of land situated at Chivatheru in Chundikul parish, Jaffna Division of the Jaffna District, N. P., called "Pirappankulam-Vayalumpulam"; in extent 29,7/16 ins V. C. with cultivated and spontaneous plantations, house and well; and is bounded on the east and south by the property of Sellappah Murugesu, north by road and the property of Sellappah Murugesu, west by bye-lane and the property of Thangamuttu, wife of Nagalingam.

(This land is said to be under mortgage)

Fiscal's Office,
Jaffna, November 26, 1952

M. KRISHNASAMY,
for Fiscal

Notices in Testamentary Actions

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Mary No. 15,242. Cornelia de Jong de Silva of Loretto, Castle Street, Colombo, deceased.

Anthony Joseph de Silva, Proctor S.C. and Notary Public of "Siffi Saru", Battor. Petitioner

And

(1) Mrs. A. St. John Jackson of 534, Bullers Road, Colombo.
(2) Dr. Sebastian Samuel Philip de Jong de Silva also of 534, Bullers Road, Colombo Respondents

THIS matter coming on for disposal before G. M. de Silva, Esq., Additional District Judge of Colombo, on November 6, 1952, in the presence of Messrs. Moonesinghe & Jayamaha, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner above named dated October 30, 1952, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as eldest son of the deceased above named, to have letters of administration to the estate of the deceased above named issued to him accordingly, unless the respondents

above named or any other person or persons interested shall, on or before December 18, 1952, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1952.

G. M. DE SILVA,
Additional District Judge.

In the District Court of Colombo

Notice of Application

In the Matter of the British Courts Probate Case (No. 15,263. Percy Howard Aste, deceased.)

NOTICE is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District Court of Colombo under the above Ordinance, for the sealing of the exemplification of probate of the will and codicil of Percy Howard Aste of 4, Hillcrest Avenue, Queen's Road, St. Helier, Jersey, Channel Islands, deceased, granted by the Probate Division of the Royal Court of the Island of Jersey aforesaid, on the twenty-seventh day of May, one thousand nine hundred and fifty-two.

P. J. & G. DE SARAJ,
Proctors for Alec Mowbray Mackie of The Mercantile Bank of India Ltd., Colombo, the attorney of Lloyds Bank Executor and Trustee Company (Channel Islands) Limited, the executor.

Colombo, December 5, 1952

In the District Court of Colombo

Order Nisi

In the Matter of the Last Will and Testament of Muthuswamy Rajagopal of 36, Green Path, Colpetty, Colombo, in the District of Colombo, deceased.

Muthuswamy Sundaram Raj, also known as Muthuswamy Sundara Raju of 36, Galle Road, Kollupitiya, Colombo aforesaid Petitioner.

And

(1) Jagathambal, (2) Jayaram Rajagopal, (3) Mohanbai Rajagopal, and (4) Mohaniam Rajagopal, all of 36, Green Path, Colpetty, Colombo aforesaid Respondents.

THIS matter coming on for disposal before G. M. de Silva, Esq., Additional District Judge of Colombo, on November 22, 1952, in the presence of Mr. B. James St. Valentine Perera, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner above named and the affidavit of the notary and the two witnesses dated November 22, 1952, having been read:

It is ordered that the last will and testament No. 1,542 made by the deceased above named and attested by Mr. B. James St. Valentine Perera, Notary Public, on March 11, 1944, the original of which has been produced and now deposited in this court, be and the same is hereby declared proved and that the petitioner above named is the executor named therein and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before February 5, 1953, show sufficient cause to the satisfaction of this court to the contrary.

November 25, 1952

G. M. DE SILVA,
Additional District Judge.

In the District Court of Colombo

Order Nisi

In the Matter of the Intestate Estate of Florence Seneviratne nee Gunawardene of "Sheilan", 331, High Level Road, Nugegoda, deceased.

Sheila Budget Seneviratne of "Sheilan" of 331, High Level Road, Nugegoda Petitioner

And

Don Cornelis Seneviratne of "Sheilan" of 331, High Level Road, Nugegoda Respondent

THIS matter coming on for disposal before G. M. de Silva, Esq., Additional District Judge of Colombo, on November 24, 1952, in the presence of Mr. W. P. Jayasekera, Proctor, on the part of the petitioner above named; and the affidavits of the petitioner above named dated October 9, 1952, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as daughter of the deceased above named, to have letters of administration to the estate of the deceased above named issued to her accordingly, unless the respondent above named or any other person or persons interested shall, on or before February 5, 1953, show sufficient cause to the satisfaction of this court to the contrary

November 26, 1952.

G. M. DE SILVA,
Additional District Judge.

In the District Court of Colombo

Notice of Application

Testamentary In the Matter of the British Courts Probates Case (Re-sealing) Ordinance (Chapter 84)—George Brown, deceased.
No. 15,270.

NOTICE is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District Court of Colombo under the above Ordinance, for the sealing of probate of the will and three codicils of George Brown of Combe Manor near Newbury in the County of Berkshire, England, retired Tea and Rubber Planter, deceased, granted by the Principal Probate Registry of Her Majesty's High Court of Justice in England, on the thirtieth day of May, One thousand nine hundred and fifty-two.

P. R. SITTAMPALAM,
Proctor for James Frederick van Langenberg of Messrs. F. J. & G. de Saram, Colombo, the attorney of Richard Stephen Dayrell Bagnall, Doreen Zaidee Gorska and Aylmer Gustavus Clerk, the executors

Colombo, December 5, 1952.

In the District Court of Gampaha

Order Nisi

Testamentary In the Matter of the Intestate Estate of Abdul Jurisdiction. Latiff Marikar Siffy Mullia of Tihariya.
No. 232.

Abdul Latiff Marikar, Mohamad, Ameen Marikar of Tihariya Petitioner.
Vs.

(1) Cassim Hadjari-Noorul Ganeema by her proposed guardian *ad litem* (2) Awa Lebbe Marikar Abdul Latiff Marikar, both of Tihariya. (3) Abdul Latiff Marikar Ummul Fukara of Tihariya Respondents.

THIS matter coming on for disposal before J. A. Obeysekera, Esq., Acting District Judge of Gampaha, on November 12, 1952, in the presence of Messrs. Rahccnan & Maharaof, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner having been taken into consideration:

It is ordered and decreed that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the 1st respondent, minor above named.

It is further ordered that the petitioner above named be and he is hereby declared entitled, to have letters of administration to the intestate estate of the deceased above named, or any person or persons interested shall, on or before January 7, 1953, show sufficient cause to the satisfaction of this court to the contrary.

L. W. DE SILVA,
District Judge.

November 22, 1952.

In the District Court of Panadura

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Henabadahelage Simon Fernando, deceased.
No. 329

Elpitaye Kumbakarage Sopiya Fernando of Yala Petitioner.

(1) Henabadahelage Simon Fernando of Yala (2) Henage Simon Gunananda, (3) Henabadahelage Pintha Fernando, (4) ditto Aggie Fernando. (5) ditto Pemawathie Fernando, all of ditto Respondents

THIS matter coming on for disposal before G. C. T. A. de Silva, Esq., District Judge of Panadura, on November 5, 1952, in the presence of Mr. W. J. Fouscka, Proctor, on the part of the petitioner; and after reading the petition and affidavit of the above-named petitioner:

It is ordered that the petitioner above named, as widow of the above-named deceased, be and she is hereby declared entitled to have letters of administration issued to her, unless the respondents above-named or any other person interested in the estate shall, on or before December 17, 1952, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 1st respondent above named be and he is hereby appointed guardian *ad litem* over the 5th respondent who is a minor, for all purposes of this action unless sufficient cause be shown to the satisfaction of this court on or before December 17, 1952

G. C. T. A. DE SILVA,
District Judge.

November 5, 1952

In the District Court of Gampaha

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Singhacharige Suwaneris Fernando of Heenkenda, deceased.
No. 229.

Galaturage Dusna Fernando of Heenkenda Petitioner

Between

And-

(1) Kulasekara Aratchige Aysa Fernando, c/o the Village Headman of Neelamahara in Palle Pattu of Salpitu Korale. (2) Singhacharige Joknu Fernando, (3) Singhacharige Velo Fernando, both of Heenkenda Respondents

THIS matter coming on for disposal before Roland de Zoysa, Esq., District Judge of Gampaha, on October 27, 1952, in the presence of Mr. D. A. Wiratunga, Proctor, on the part of the petitioner above named; and affidavit dated October 3, 1952, and the petition dated October 27, 1952, of the petitioner above named having been read

It is ordered that the petitioner above named be and she is hereby declared entitled, as mother of the deceased above named, to have letters of administration to the estate of the said deceased issued to her, unless the respondents above named or any other person or persons interested shall, on or before December 17, 1952, show sufficient cause to the contrary to the satisfaction of this court.

L. W. DE SILVA,
District Judge.

October 27, 1952.

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Perumal Jurisdiction. Reddiar Krishnasamy Reddiar of Waragalande No. 1,089. Estate, Madulkele, deceased.

Dewaraja Reddiar Ramasamy Reddiar of Madulkele, presently of Colombo Petitioner.

(1) Waratharaj, (2) Renggayaki, (3) Renganathan, all of South India, minors, by their guardian *ad litem*, (4) Perumal Reddiar Pappu Reddiar of Madulkele Respondents.

THIS matter coming on for disposal before V. S. Jayawickrema, Esq., District Judge of Kandy, on September 29, 1952, in the presence of Mr. K. T. Chittampalam, Proctor, for the petitioner above named; and the affidavit of the said petitioner dated September 15, 1952, having been read:

It is ordered that the 4th respondent be and he is hereby appointed guardian *ad litem* over the 1st, 2nd and 3rd minor respondents, for the purpose of these proceedings, unless the respondents shall, on or before January 7, 1953, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the said petitioner be and he is hereby declared entitled, as brother-in-law of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before January 7, 1953, show sufficient cause to the satisfaction of this court to the contrary.

V. S. JAYAWICKREMA,
District Judge.

October 29, 1952.

In the District Court of Balapitiya

Order Nisi

No T 133/Texty. In the Matter of the Intestate Estate of Wadumestri Jane Nona de Silva of Patabendimulla in Ambalangoda, deceased.

Appuwawadu Mestri Henrietta de Silva of Patabendimulla in Ambalangoda Petitioner.

(1) Appuwawadu Mestri Bandularatne, (2) Kahingala Leslie de Silva, both of Patabendimulla in Ambalangoda Respondents.

THIS matter coming on for disposal before S. R. Wijeyatilake, Esq., District Judge of Balapitiya, on October 24, 1952, in the presence of Mr. S. Ekaratne, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated July 31, 1952, and the petition dated August 4, 1952, having been read:

It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the above-named 1st minor respondent, and

that the above-named petitioner be and he is hereby declared entitled, as husband and as an heir of the above-named deceased, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 10, 1952, show sufficient cause to the satisfaction of this court to the contrary.

S. R. WIJAYATILAKE,
District Judge.

October 24, 1952.

In the District Court of Galle.

Order Nisi

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Hendrick Jayawardena of Meda Keembiya No. 8,478. In Gangaboda Pattu of Galle District, deceased.

Pedrick Jayawardena of Meda Keembiya aforesaid . . . Petitioner

Tusana Jayawardena of Meda Keembiya . . . Respondent.

THIS action coming on for disposal before M. M. Maharoo, Esq., District Judge of Galle, on November 5, 1952, in the presence of Mr. D. V. A. Gunasekera, Proctor, for petitioner; and the petition dated September 26, 1952, and the affidavit of the said petitioner dated September 26, 1952, having been read:

It is ordered that the last will of the late Hendrick Jayawardena dated January 14, 1941, attested by Mr. P. A. Adhietty, Notary Public, and deposited in this court be and the same is hereby declared proved, unless any person or persons interested shall, on or before December 19, 1952, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said last will and that he is entitled to the probate of the same issued to him accordingly, unless any person or persons interested shall, on or before December 19, 1952, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the petitioner be paid his costs of and occasioned by this application.

November 5, 1952.

M. M. MAHAROO,
District Judge.

In the District Court of Jaffna.

Order Nisi

Testamentary Jurisdiction. In the Matter of the Estate of the late Rasamma widow of Velavelu Sadasivampillai of Saravanai east, deceased. No. 1,455.

Vaithilingam Chellappa of Saravanai west . . . Petitioner.

(1) Snnathambay Somasundaram of Velanai east, (2) Thuraiappah Ponnaubalam, (3) Ponnaubalam Karthigesu and (4) wife Chellamma of Mandaitivu, (5) Kandiah Sabaratnam and (6) wife Visaladevi of Vaddukkoddai west, (7) Ponnappa Somasundaram of Oddumadam, Vannarponnai west. Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge, Jaffna, on September 12, 1952, and October

31, 1952, in the presence of Mr. C. C. Somasegaram, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that letters of administration to the estate of the above-named deceased be issued to the petitioner, as one of the heirs of the above-named deceased, unless the above-named respondents or any others interested shall, appear before this court on or before December 12, 1952, and show sufficient cause to the satisfaction of this court to the contrary.

September 12, 1952

K. D. DE SILVA,
District Judge.

Miscellaneous

In the Supreme Court of the Island of Ceylon

Election Petition No. 6 of 1952 (Kalutara)

THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946
Election for Electoral District No. 16, Kalutara, holden on
May 21, 1952

Hettitakandage Julian Gabriel Fernando of 16, Siri Sumangala Road, North Kalutara . . . Petitioner

Vs.

Pesteruwelnyanaiyallage Andrew Cooray of Galle Road, Katukurunda, Kalutara . . . Respondent.

THE beginning of the trial of the above Election Petition which was fixed for December 15, 1952, at 11 a.m., at Hulftsdorp in Colombo, has been postponed by the Election Judge *sine die*.

N. NAVARATNAM,
for Registrar S. C.

In the Supreme Court of the Island of Ceylon

Election Petition No. 4 of 1952 (Pottuvil)

THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946
Election for Electoral District No. 53, Pottuvil, holden on
May 24, 1952

Packeer Mohideen Mohideen Bawapody of Division No. 2, Addalachenai Petitioner.

Vs.

Meerakutty Mohamed Ebrahm Hadjar of Division No. 4, Nintavur, Eastern Province Respondent.

THE beginning of the trial of the above Election Petition which was fixed for December 8, 1952, at 11 a.m. at Hulftsdorp in Colombo, has been postponed by the Election Judge *sine die*.

December 4, 1952

N. NAVARATNAM,
for Registrar S. C.