

11

1962

1961

IN HER MAJESTY'S PRIVY COUNCIL
ON AN APPEAL FROM
THE SUPREME COURT OF CEYLON.

BETWEEN

Chellammah wife of Phillip of Karayoor, Jaffna.

*Administratrix de bonis non—
Petitioner-Appellant.*

AND

- Dead. 1. Chinnan widow of Murugan of Chankanai
Dead. 2. Nannian Chinnavan of Chankanai
Dead. 3. Nannian Vyravan of Chandilipay
4. Velan Marimuttu of Chandilipay
5. Velan Vaithan of Chandilipay
6. Murugar Ponner and wife
7. Ledchumi of Chankanai
8. Pathan Kanapathy and wife
9. Ponny of Chandilipay
10. Visuvan Kathiravelan and
11. Wife Thangamuttu of Chandilipay
Dead. 12. Poothar Vairavy and wife
Dead. 13. Muthi of Koddai
14. Maruchelan Anthonipillai of Kayts
Dead. 15. Sinnakuddy Thambiah alias Saverimuttu of Kayts
16. Rasamany widow of Muthu of Karayoor

Original Respondents.

17. Arumugam Veerasingham and
18. Wife Paekiam both of Uduvil

*Substituted Respondents in place of the
deceased 15th Respondent.*

- Dead. 19. Kanaki alias Rebecca of Moolai Road
20. Sinnavan Kanapathy
21. Sinnavan Arumugam
22. Vairavan Kanapathy
23. Kanapathy Sellan and wife
24. Seethai
25. Sinnapodian Vally and wife
26. Kuddy all of Chankanai.

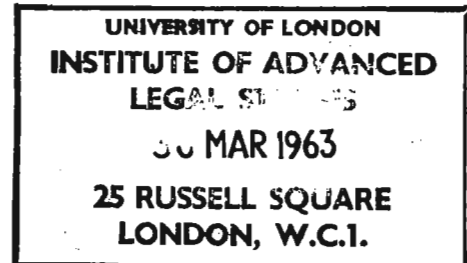
*Substituted Respondents in place of deceased
2nd and 3rd Respondents.*

27. Vairavy Nallathamby and
28. Vairavy Chelliah both of Koddady
29. Elupolai Sinnapody and
30. Wife Valliammai both of Suthumalai

*Substituted Respondents in place of
deceased 13th Respondent.*

31. Kanapathy Murugan and
32. Wife of Rasu
33. Kanapathy Sellan and
34. Wife Thangamma of Chankanai

*Substituted Respondents in place of the
deceased 20th Respondent.
Respondents-Respondents.*



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125	-	Theivai or Velan	Theivi <u>nd</u> Velan
126	3	(Sgd.) 19.8.40	(Intld.) S.R. A.D.J. 19.8.40.
126	-	Vallioillay Marusuline	Vallipillay Marusuline Anthonipillai
128	-	Marinuttu Sinnavi Kanathar	Marinuttu -- -- Sinnavi Kannathai
141	49	42. One Betel Tray	49. One Betel Tray
494	21	8th February, 1930.	8th February, 1939.
495	14	Karuwathan	Marimuthan


 Registrar of the Supreme Court,
 CEYLON.

September 23, 1960.

**IN HER MAJESTY'S PRIVY COUNCIL
ON AN APPEAL FROM
THE SUPREME COURT OF CEYLON.**

BETWEEN

Chellammah wife of Phillip of Karayoor, Jaffna.

*Administratrix de bonis non—
Petitioner-Appellant.*

AND

- Dead. 1. Chinnan widow of Murugan of Chankanai
Dead. 2. Nannian Chinnavan of Chankanai
Dead. 3. Nannian Vyravan of Chandilipay
4. Velan Marimuttu of Chandilipay
5. Velan Vaithan of Chandilipay
6. Murugar Ponner and wife
7. Ledchumi of Chankanai
8. Pathan Kanapathy and wife
9. Ponny of Chandilipay
10. Visuvan Kathiravelan and
11. Wife Thangamuttu of Chandilipay
Dead. 12. Poothar Vairavy and wife
Dead. 13. Muthi of Koddai
14. Maruchelan Anthonipillai of Kayts
Dead. 15. Sinnakuddy Thambiah alias Saverimuttu of Kayts
16. Rasamany widow of Muthu of Karayoor
Original Respondents.
17. Arumugam Veerasingham and
18. Wife Packiam both of Uduvil
*Substituted Respondents in place of the
deceased 15th Respondent.*
19. Kanaki alias Rebecca of Moolai Road
Dead. 20. Sinnavan Kanapathy
21. Sinnavan Arumugam
22. Vairavan Kanapathy
23. Kanapathy Sellan and wife
24. Seethai
25. Sinnapodian Vally and wife
26. Kuddy all of Chankanai.
*Substituted Respondents in place of deceased
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27. Vairavy Nallathamby and
28. Vairavy Chelliah both of Koddady
29. Elupolai Sinnapody and
30. Wife Valliammai both of Suthumalai
*Substituted Respondents in place of
deceased 13th Respondent.*
31. Kanapathy Murugan and
32. Wife of Rasu
33. Kanapathy Sellan and
34. Wife Thangamma of Chankanai
*Substituted Respondents in place of the
deceased 20th Respondent.
Respondents-Respondents.*

RECORD OF PROCEEDINGS

Journal Entries.

JOURNAL.

(Journal Entries from 1-6-38 to 1-11-40 torn.)

- 20-1-41. Mr. M. Asaipillai for Petitioner.
Mr. C. C. Somasegaram for 1st added Respondent.
Mr. M. Vaithilingam for 2nd Respondent.
(Proctor is dead)
Mr. S. Sivagnanam for 3—12 added Respondents.
Mr. Navaratnam for Thambiah. 10

Inquiry (2)

Mr. S. T. Nadarajah files proxy of and added Respondent since Mr. Vaithilingam is dead.

Mr. V. S. Nadarajah for 13th and 14th Respondents.

All the Proctors are present except Mr. Asaipillai.

They all agree that letters of Administration be issued to Elaivy Arumugam Mr. Somasegaram's client leaving the question of heirship open giving the status as an heir.

Enter *Order Nisi* and publish in Gazette and a local paper for 21/2. 20

(Intd.)
D. J.

- 27-4-41. *Order Nisi* entered.

(Intd.)
Secretary.

- 4-2-41. Mr. Arulanathan the mortgage debtor on bond No. 19485 of 22-12-37 begs that Rs. 1,800/- may be accepted

in full settlement of the principal and interest due on the bond giving him a reduction of Rs. 116/-.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Notice petitioner and respondents to file their consent.

(Intd.)

D. J.

4-2-41. The Proctor for 1st added respondent moves that Deeds Nos. 19462, 19463, 11567 and 19619 and marked A D 1 to A D 4 be returned to the 1st added respondent (torn) and that matter of setting aside the will has been disposed of.

10

Allowed.

(Intd.)

D. J.

Received deeds.

(Sgd.)

21-2-41. Mr. Asaipillai for petitioner.

O/N is not issued.

Publications due.

Mr. C. C. Somasegaram files.....and Gazette.

Security and oaths for 21/3.

20

(Intd.)

D. J.

26-2-41. The Commissioner of Estate Duty by his No. ED/291/K of 22-2-41 inquires how matter stood.

Inform him that letters of administration will be issued to Eliavy Arumugam client of Mr. C. C. Somasegaram on O/A. Security and oath being filed.

(Intd.)

D. J.

80

18-3-41. The Proctor for 1st respondent who is the present petitioner states that there is a sum of Rs. 1500/- with interest thereon at nine per cent per annum due to the

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

estate from M. Arulanathan of Karaiyoor on Bond No. 19485 of 22-12-37 in favour of the deceased. He has applied to Court for a reduction of Rs. 116/- and to bring into Court a sum of Rs. 1800/- in full settlement of the amount due to the estate. The 1st added respondent and the present petitioner consents to accept this sum in full settlement.

He therefore moves for a deposit note be issued to the said Arulanathan to bring into Court the sum of Rs. 1800/- He files consent papers from Proctors for the respondents. 10

File consent of 15th respondent.

(Intd.)
D. J.

21-3-41. O/A security and oaths due for 14/5.

(Intd.)
D. J.

2-4-41. The Proctor for petitioner files consent of 15th respondent's Proctor and moves that his application of 18-3-41 be allowed.

Issue deposit note for Rs. 1800/-. 20

(Intd.)
D. J.

29-4-41. Deposit note No. 21171 for Rs. 1800/- issued to G. A., N. P.

(Intd.)

8.5-41. K. R. No. 236/85002 of 5-5-41 for Rs. 1800/- filed.

(Intd.)

14-5-41. Mr. C. C. Somasegaram for present petitioner.

O/A Security and oath due for 18/6.

(Intd.) 30

-
- 18-6-41. O/A Security and oath due for 30/7. (Intd.)
No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.
- 5-7-41. Commissioner of Estate Duty informs that the Notice of assessment of estate duty has been issued on the executor and that the estate as assessed is Rs. 447-36 with interest therein at four per cent per annum from 19-5-39 to date of payment and on payment of the duty the certificate will be issued.
- 10 30-7-41. File.
O/A Security and oath due for 10/9. (Intd.)
D. J.
- 2-8-41. As there is a sum of Rs. 1800/- in deposit Proctor for petitioner moves that a sum of Rs. 488-36 be paid to the Commissioner of Estate Duty for estate duty and interest due from 19-5-39. (Intd.)
D. J.
- 20 29-8-41. Amount in deposit Rs. 1800-00
P. O. 30373 in favour of Commissioner
of Estate Duty 488-36
1311-64
(Intd.)
- 5-9-41. Commissioner's receipt for Rs. 488-36 filed. (Intd.)
- 80 5-9-41. The Chairman U. C. Jaffna informs that a sum of Rs. 32/- is due to the Council from the estate on account of damages caused to the Council's electricity main at Pachivali Road when felling a coconut tree on 18-3-38 and begs that this may be included in the administration account and if possible to see that this amount is settled early.
Refer to Proctor for petitioner for report. (Intd.)
D. J.
- 10-9-41. O/A security and oath due for 8/10. (Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

- 15-9-41. Certificate received from Commissioner of Estate Duty.
Nett value is Rs. 44736/-.
(Intd.) *D. J.*
- 25-9-41. The Proctor for present petitioner moves that the
security be fixed. He submits that the amount due on
bonds will be deposited in Court.
Secy. for report.
(Intd.) *D. J. 10*
- 26-9-41. Report.
The estate consists of movables of the value of
Rs. 19178/- and 1/6 of the immovable properties amounts
to Rs. 4257/-. Security may be furnished in Rs. 23000/-.
(Sgd.) *Secy.*
- 8-10-41. O/A security and oaths due.
O/A filed—*vide* motion re security.
Secy. report for 15/10.
(Intd.) 20
- 15-10-41. Report.
Only a sum of Rs. 1800/- has been brought to the
credit of the case and the other amount referred to in the
schedule is a property of the value of Rs. 1450/- but in the
motion the value is shown as of the value of Rs. 1100/-
which may be explained.
(Sgd.) *Secy.*
- 15-10-41. Mr. C. C. Somasegaram for present petitioner.
Vide Secy.'s report re security. 30
Proctor for attention.
As the petitioner is entitled to 1/4 the security may be
fixed at Rs. 18000/-.
(Intd.) *D. J.*
- 2-2-42. Security in Rs. 18000/- due for 3/4.
(Intd.) *D. J.*
- 4-3-42. Security due for 1/4.
(Intd.) *D. J.*

- No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.
- 1-4-42. Security due.
Oath filed *vide* motion.
Report on 17/4.
(Intd.)
D. J. 30
- 4-4-42. Report.
The bond is in order and may be accepted.
There is no objection to the issue of letters.
(Sgd.)
Secy.
- 10 17-4-42. Letters due for 22/5.
(Intd.)
D. J.
- 21-4-42. Letters issued.
(Intd.)
Received letters,
(Sgd.) C. C. SOMASEGARAM.
- 22-5-42. Mr. C. C. Somasegaram for petitioner.
Inventory due for 26/6.
(Intd.)
D. J.
- 20 15-6-42. Senny, widow of Murugam moves that the proxy granted by her to her Proctor, Mr. S. T. Nadarajah be revoked and cancelled.
Notice Proctor.
(Intd.)
D. J.
- 20-6-42. D/N No. 35629 for Rs. 1000/- issued to C. Soosaipillai.
(Intd.)
- 30 24-6-2. Senny, widow of Murugam the 2nd respondent begs to withdraw the motion filed by her begging the Court to revoke the proxy granted by her to Mr. S. T. Nadarajah, Proctor. She states she was misled by one Arumugam of

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Hospital Road, Jaffna and that she has ample confidence in her Proctor.

File.

(Intd.)

D. J.

24-6-42. Marypillai, daughter of Nicholas by her letter of 23-6-42 states she owes the deceased a sum of Rs. 350/- out of which a sum of Rs. 250/- was paid in the presence of Notary Jisehempillai as the administrator refuses to accept the balance Rs. 100/-. He begs that the said Notary may be 10 noticed and that permission may be granted to pay the balance Rs. 100/-.

Notice administrator.

(Intd.)

D. J.

26-6-42. Mr. C. C. Somasegaram for administrator.

Inventory due—filed.

Report 17/7.

(Intd.)

D. J. 20

17-7-42. 1. Please explain why Rs. 150/- shown as rents accrued due at date of death of deceased death is not shown in the inventory.

2. In the first page of the inventory the total of the addition is incorrect, it may be amended.

3. Why is the property item No. 44 shown at Rs. 1500/- whereas it is shown as the value of Rs. 1450/- in the statement.

(Sgd.)

Secy. 80

7-7-142. *Vide Secy.'s report above.*

Proctor for attention 24/8.

(Indt.)

D. J.

29-7-42. 2nd respondent Senny, widow of Murugan the 2nd respondent files an affidavit and moves that the Proxy granted by him to her Proctor, S. T. Nadarajah be revoked and cancelled.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Notice proctor for 24-8-42.

(Intd.)

D. J.

10-8-42. The mortgage debt due to the estate shown under item 6 of the inventory is Rs. 1500/- with interest thereon at twelve per cent per annum but if interest were paid quarterly at the reduced rate of nine per cent per annum the mortgagors swear that they paid Rs. 100/- about a month before the death of the deceased. Proctor for administrator files affidavit from S. Rajappu of Karaiyoor in proof of payment of Rs. 100/- out of interest and that there is now due principal of Rs. 1500/- and balance interest of Rs. 965/- calculated at twelve per cent per annum and Rs. 698-75 calculated at nine per cent per annum. The deceased died in May, 1938 and there was none to accept payment till letters were issued in April, 1942. Proctor for administrator submits that he settled the difference and has requested the mortgagors to pay Rs. 800/- for balance interest which works at ten per cent per annum and therefore the administrator moves for the sanction of Court to accept Rs. 2300/- viz Rs. 1500/- being principal and Rs. 800/- for balance interest in full settlement of the debt.

The said bond is put in suit in D. C. Jaffna 17774 of this Court.

30 The administrator is authorised to accept Rs. 2300/- in full settlement.

(Intd.)

D. J.

13-8-42. Notice to cancel proxy issued on Mr. S. T. Nadarajah for 24-8-42.

(Intd.)

14-8-42. C. Soosaipillai returns deposit note issued to him in case No. 605 Testy. D. C. Jaffna, as he is arranging to settle the debt with the administrator.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Let the deposit note be cancelled and file with the triplicate.

(Intd.)

D. J.

22-8-42. Return to notice—to cancel proxy—received and filed.

(Intd.)

24-8-42. 1. Proctor for attention to Secy.'s report of 17-7-42.

2. Notice to cancel proxy granted by 2nd respondent to Mr. S. T. Nadarajah, Proctor served on him He is present.....if costs due is paid.

3. Deficiency of stamps Rs. 7/- due on affidavit of 10 27-7-42 filed by Senny.

F. R. and inform on 16/10.

(Intd.)

D. J.

9-10-42. Proctor for administrator moves that the pro note shown under item 17 of the inventory be given to him to file action to recover the amount due. The said note is in Court.

Return if filed in Court.

(Intd.) 20

Received pro note.

(Sgd.) C. C. SOMASEGARAM.

9-10-42. Mr. C. C. Somasegaram for administrator the mortgage debt due to the estate shown item 13 of the inventory is Rs. 1000/- with interest thereon at ten per cent per annum but if the interest were paid monthly then at the reduced rate of nine per cent per annum. It is a fact that the bond dated 20-7-36 for Rs. 1000/- is novation of an older mortgage bond of 1-12-32 for Rs. 500/- with interest at twelve per cent per annum and the mortgagors offer to pay and settle the present debt of Rs. 1000/- with interest thereon at six per cent per annum which comes to Rs. 1375/- and the administrator is willing to accept same in full settlement of the said debts and moves for sanction of Court to

accept same. If calculated at nine per cent the amount would be Rs. 1552-50 and the difference is Rs. 187-50.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Sanctioned.

(Intd.)
D. J.

16.10-42. Inventory is in order and may be accepted and a date may be given to file account.

(Intd.)
D. J.

10 16-10-42. *Vide Secy.'s report above.*

Final account for 29-3-43.

Deficiency of stamp duty Rs. 7/- due from Senny 2nd respondent—supplied.

(Intd.)

13-2-43. Under item 11 of the inventory there is a sum of Rs. 507-50 and further interest from date of death of the deceased is due from Cecilia, widow of Manuelpillai and she was sued in D. C. Jaffna 17775. There is now due about Rs. 700/ calculating interest at twelve per cent but the widow has no other means of paying except by re-mortgaging the land mortgaged and she wants a reduction. Proctor for administrator moves for sanction of Court to accept Rs. 550/- in full settlement of the principal and interest. The principal is Rs. 350/-.

20

File consent of respondent.

(Intd.)
D. J.

17-2-44. Re order of 13-2-43 it is not possible to get consent from the 12th respondent and added respondents. If the Court considers reasonable to accept a sum a Rs. 350/- principal and Rs. 200/- for interest it might authorise the administrator to accept same in full settlement of the claim under item 11 of the inventory. The administrator thinks it beneficial to the estate to accept the said sum of Rs. 550/- in full settlement and therefore moves for sanction

30

No. 1
Journal
Entries
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15-9-58
—continued.

of Court to do so as the land may not fetch a higher price than Rs. 550/- at a public auction.

Comply with order of 13-2-43.

(Intd.)
D. J.

12-3-43. The 51st land in the inventory was transferred to the deceased by deed No. 2803 of 31-10-36 with the condition that same should be re transferred by the deceased on the vendors. V. Mariampillai and wife Mathamma paying Rs. 2100/- and interest thereon at nine per cent per annum 10 within two years of the date of the said transfer. Before the said period of two years expired the deceased died and the vendors are continuing in occupation of the land. The administrator sued the said vendors in D. C. Jaffna 35 of this Court for declaration of title and recover damages. The said land is valued at Rs. 2000/- by the Commissioner of Estate Duty and the vendors are offering to pay Rs. 2500/- for the said land to be re transferred to them. The administrator is willing to accept Rs. 2500/- and transfer the said to the vendors and therefore moves for 20 sanction of Court to do so.

File consent of respondent.

(Intd.)
D. J.

22-3-43. D/N 36221 for Rs. 3000/- issued to Proctor for administrator.

(Intd.)

29-3-43. Mr. C. C Somasegaram for petitioner.

F/A due.

Consent of respondents to be filed J. E. of 12-3-43. 80

Proctor moves in view of recovery.....

.....

(Intd.)
D. J.

11-5-43. D/N 42132 for Rs. 2800/- issued to T. N. Anthony of Karaiyoor being the decreed amount in 47 D. C. Jaffna due to this estate. No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

(Intd.)

K. R. 44 of 12-5 for Rs. 2800/- filed.

(Intd.)

16-7-43. D/N 49895 for Rs. 2000/- with P. O.

O 54389 for Rs. 200/- in case No. 46 sent to G. A., N. P.

10

(Intd.)

27-7-43. K. R. P/4 No. XE 129/21521 for Rs. 2000/- filed 30-8-43.

Mr. C. C. Somasegaram for petitioner.

F/A due—Administrator dead.

Consent of respondents to be filed J. E. of 12-3-43.

S/O for steps 25/10.

(Intd.)
D. J.

25-10-43. Administrator dead—steps due on 22/11.

20

Proctor is unwell.

(Intd.)
D. J.

28-10-43. V. Marimuttu states that he is the legatee of the last will left behind by the 2nd respondent in the above case. The case has been pending in Court for the last 5 years and parties are dying one after the other. The petitioner is also dead. He begs that the matter be expedited for early disposal as he fears the proceedings will drag on unless orders are made for early hearing.

30

Mention on 22-11-43.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

- 22-11-43. Mr. C. C. Somasegaram for petitioner.
1. Steps due—Administrator dead proxy petition and affidavit filed.
 2. *Vide* J. E. of 28-10-43.
O/N returnable 20/12.

(Intd.)
D. J.
- 4-12-43. Asst. C. I. T. forwards notice under Section 81 of the Income Tax Ordinance for Rs. 511-08 being Income Tax for the year 1938/39, 39/40 payable by the late E. 10 Arumugam.
- Administrator of the estate of the late Kanapathy Kanthan.
- Write to Proctor—Call on 7-12-43.

(Intd.)
D. J.
- 6-12-43. O/N issued on 1—16 respondents for 20-12-43.

(Intd.)
- 7-12-48. Mr. C. C. Somasegaram for administrator.
- To call *vide* J. E. of 4-12-43. 20
- I hear Mr. Somasegaram.
- Let a sum of Rs. 511-10 out of money in Court remain in deposit to be made available to the Commissioner of Income Tax.
- Mr. Somasegaram submits that if payment is made it may be made under protest.
- (Intd.)
D. J.
- 7-12-43. Letter to Commissioner Income Tax.

(Intd.) 30

20-12-43.

Mr. C. C. Somasegaram for administrator.

Vide J. E. of 22-11-43.

- 1. O. N. served on respondents 3—5, 8—14 and 16.
- 2. O. N. not served on 15th respondent.

He is reported dead. Steps if necessary for 14-2-44.

3. O. N. not served on 1 and 2 respondents as they are reported dead. Proctor for steps if necessary. Steps for 14-2-44.

- 4. O. N. not served on 6 and 7 respondents.

10

The issues for 14-2-44.

(Intd.)
D. J.

29-12-43.

The Commissioner of Income Tax by his No. AI 6155 of 12-12-43 requests that an order of payment for Rs. 511-08 be sent to him early.

He also states that it is noted that payment order is made under protest and that a notice under Section 81 will be issued shortly for a sum of Rs. 346-35 being tax due for 1940/41 which became due on the 20th instant.

10

Pay Rs. 511-08.

(Intd.)
D. J.

3-1-44.

Amount in deposit	..	Rs. 9137-84
O/P 66785	..	511-08
		<hr/>
		8626-76

13-1-44.

The Proctor for petitioner files his appointment as Proctor for Sinnavy Arumugam together with his petition and affidavit and Last Will of Senny, widow of Murugan and for reasons stated therein moves that the petitioner be substituted in the room of the 2nd added respondent.

80

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

Pay deficiency of stamp duty Rs. 5-75 on the Last Will and move.

(Intd.)
D. J.

20-1-44. The Proctor for petitioner tenders stamps to the value of Rs. 5-75 and moves that his application dated 13-1-44 be allowed.

The Will has to be proved in a separate action.

(Intd.)
D. J. 10

22-1-44. O/N re-issued on 6 and 7 respondents.

(Intd.)

24-1-44. Receipt from Commissioner of Income Tax for Rs. 511-08 filed.

(Intd.)

24-1-44. Asst. Commissioner of Income Tax forwards notice under Section 81 of the Income Tax Ordinances for Rs. 346-35 being income tax for the year 1940/41 payable by the late Mr. E. Arumugam, Administrator of the estate of the late Kanapathy Kanthar.

20

Write to Proctor—Call on 31-1-44.

(Intd.)

25-1-44. Proctor written to.

(Intd.)

31-1-44. Mr. C. C. Somasegaram for administrator.

Case called re entry of 26-1-44.

Mr. Somasegaram re money—Call on 14/2.

(Intd.)

14-2-44. Case called.

1. *Vide* entry above. J. E. of 24-1-44 to be mentioned.

No 1.
Journal
Entries
21-1-43 to
15-9-58
—continued.

2. For steps re 1 and 2 respondents dead—Steps for 17-3-44.

3. O/N not served on 6 and 7.

Re-issue for 17-3-44—Petitioner to point out.

(Intd.)
D. J.

10 23-2-44. O/N re-issued on 6 and 7 respondents for 17-3-44.

(Intd.)
D. J.

7-3-44. The Commissioner of Income Tax wishes to know when he may expect to receive a remittance on the certificate issued under Section 81 on 20-1-44.

Call on 23-3-44.

Vide J. E. (Intd.)
D. J.

20 13-3-44. To call re payment of a sum of Rs. 346-35 being income tax for the year 1940/41 payable by the late E. Arumugam.

Call on 17-3-44.

(Intd.)
D. J.

17-3-44. Mr. C. C. Somasegaram for administrator.

1. Steps re 1 and 2 respondents, dead, due, comply with order on 20-1-44.

2. O/N not served on 6 and 7 respondents—petitioner has not pointed out according to the Fiscal's report.

30

See consent of Proctor for 6 and 7 respondents.

3. To call re J. E. of 13-3-44.

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

Mr. Somasegaram says that this amount may be remitted but his protest may be recorded.

It is brought to the notice of Court that 15th respondent is dead. Let Mr. Somasegaram file papers for substitution of heirs 15th respondent on 31/3.

		(Intd.)	<i>D. J.</i>
28-3-44.	Amount in deposit	..	Rs. 8626-76
	C. I. T.	..	346-35
			<hr/>
			8280-41 10

28-3-44. P. O. 66947 for Rs. 346-35 sent to C. I. T. with memo No. 605 of 28-3-44.

(Intd.)

31-3-44. Mr. Somasegaram to file papers for substitution of heirs of the 15th respondent dead.

Steps for substitution of heirs of 2nd & 15th respondents for 21/4.

(Intd.)

14-4-44. Receipt for Rs. 346-35 from Commissioner of Income Tax filed. 20

(Intd.)

21-4-44. Mr. C. C. Somasegaram for administrator.

Steps for substitution of heirs of 2nd and 15th respondents due.

Mr. Somasegaram files petition and affidavit of the present petitioner and moves that the 1st and 2nd substituted respondents be substituted in place of the deceased 1st respondent and the 3rd substituted respondent be substituted in the record in place of the deceased 15th respondent and further moves that the O/N be entered. 80

Let substitution be effected accordingly.

Issue O/N for substitution returnable 26/5.

(Intd.)

D. J.

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

17-5-44. The Proctor for petitioner submits that his application of 21-4-44 is under Section 398 C. P. C. and substitution was effected under that Section.

10

Hence no fresh *Order Nisi* for substitution is necessary. He also submits that when the *Order Nisi* for issue of Letters of Administration de bonis non is served on the substituted respondents, they may under the proviso to Section 398 object that they or anyone of them is not the legal representative. He moves that his application of 21-4-44 be allowed in terms of Section 398 C. P. C. He further moves that he may be heard in support of his application.

Support.

(Intd.)

D. J.

26-5-44. Mr. C. C. Somasegaram for petitioner.

20

O/N not issued.

I hear Mr. Somasegaram.

O/N need not be entered—Not issued.

Under Section 398 of the code substitution may be effected and party substituted may be noticed with regard to the application for issue of Letters de bonis non.

(Intd.)

D. J.

30-5-44. O/N issued for Letters de bonis non on 1 to 3 substituted respondents for 30-6-44.

30

(Intd.)

13-6-44. Asst. Commissioner of Income Tax forwards notice under Section 81 of the Income Tax Ordinance for

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

Rs. 1485/- being the amount of income tax for the years 1943/44, 1941/42 & 1942/43 payable by Mr. E. Arumugam as administrator of the estate of the late Mr. Kanapathy Kanthar.

Call on 16-6-44. Inform Proctor for petitioner accordingly.

(Intd.)
D. J.

13-6-44. Proctor informed.

16-6-44. Case called. 10

Vide J. E. of 13-6-44.

Proctor and administrator absent.

Notice administrator for 10-7-44.

(Intd.)
D. J.

Later.

Mr. Somasegaram is present. He explains. He says that the present petitioner Chellammah has not yet been issued Letter de bonis non. The original administrator is dead. Proceedings are being taken to appoint Chellammah 20 as administratrix de bonis non. He says he will communicate with the Commissioner of Income Tax on the matter. Order to issue notice on the administratrix is vacated.

Call case 30-6-44.

(Intd.)
D. J.

27-6-44. Return to D/N received and filed.

30-6-44. *Vide J. E.* dated 16-6-44.

Notice of *order nisi* served on

3 substituted respondents—They are absent. 30

Chellammah is appointed administratrix de bonis non.

O/N is made absolute.

Security bond and oath for 28-7-44.

(Intd.)
D. J.

No. 1
Journal
Entries
21-1-41 to
15-9-58
—continued.

Proctor says that he will communicate with the Commissioner of Income Tax re income tax claimed.

That matter will be considered on 28/7.

(Intd.)
30-6-44.

10 4-7-44. D/N 66168 issued for Rs. 1400/-.

(Intd.)

12-7-44. The President J. M. I. S. by his letter of 5-7-44 submits that a shed belonging to a different party has been erroneously entered in the schedule. He states that the shed in question is the property of a society called the Jaffna Mutual Improvement Society of which the late K. Kanthar was president and it was erected with the late president's full consent and approval free of rent and any tax. He therefore moves that permission may be granted to remove the said shed from the late Kanthar's compound at Pachchuvalli Road, Jaffna.

20

The writer is referred to his legal remedy, if so advised.

(Intd.)
D. J.

17-7-44. The Commissioner of Income Tax wishes to know when he may expect to receive a remittance in settlement of the notice issued on 9-6-44.

Inform the position—Call on Bench.

(Intd.)
D. J.

30

20-7-44. K. R. No. 746 dated 14-7-44 for Rs. 1400/- received and filed.

24-7-44. Mr. C. C. Somasegaram for petitioner.

No 1.
Journal
Entries
21-1-41 to
15-9-58
—continued.

To call *vide* J. E. of 17-7-44.

Let Mr. Somasegaram to appear and explain the position regarding Income Tax on 31-7-44.

(Intd.)

D. J.

26-7-44. The Proctor for petitioner submits that the total value of movables is Rs. 19179-92—*Vide* Inventory filed of record out of which a sum of Rs. 11000/- had been deposited in Court and Rs. 2000/- paid to the original petitioner Sabasty Ayadurai in terms of the settlement order of 6th may, 1940. Receipt from him filed marked letter A. Further the bond shown under item 2 of Inventory had been put in suit in case No. 17776 of this Court and the mortgage land bought by the administrator in satisfaction of the debt of Rs. 1390/-. He would estimate the amount of stamps and costs for these proceedings and about 10 recovery cases between Rs. 2500/ and Rs. 3000/-. Hence the balance to be recovered and the value of movables will not exceed Rs. 2500/. He therefore moves that the Court be pleased to sanction the present petitioner Chellammah 20 applicant for letters of administration de bonis non, furnishing landed security in Rs. 5000/- for continuing the proceedings.

Security fixed at Rs. 5000/.

(Intd.)

D. J.

28-7-44. Mr. C. C. Somasegaram for administratrix.

Security bond not filed—Oath of office not filed.

For above purpose for 25-8-44.

(Intd.) 30

31-7-44. *Vide* J. E. dated 24-7-44.

Mr. Somasegaram says that he has written to the Commissioner regarding the Income Tax and he has not received a reply from him.

Called on 25-8-44 regarding the matter of Income Tax as well.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

(Intd.)
D. J.

4-8-44. The Commissioner of Income Tax by his No. AI 6155 of 1-8-44 invites attention to his letter No. A I 6155 of 9-6-41.

10 Inform him that Mr. C. C. Somasegaram, Proctor for petitioner states that he has written to him regarding the Income Tax and that he has not received any reply from him. Also inform him that the case will be called on 25-8-44 regarding the Income Tax.

(Intd.)
D. J.

18-8-44. The Commissioner of Income Tax by his letter No. A. I. 6155 of 12-8-44 requests that the notice issued on 9-6-44 be endorsed as withdrawn.

Note and file.

20 (Intd.)
D. J.

25-8-44. Mr. C. C. Somasegaram for executrix.

Security bond and oath of office—not filed.

Proctor absent.

Notice petitioner for 26-9-44.

(Intd.)
D. J.

Later

Mr. Somasegaram files oath of office.

Security for 1-9-44.

30 Cancel order to issue notice on petitioner.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

1-9-44. Case called.
Security bond is not filed—Later security bond filed.
Issue Letters de bonis non and D/A for 1-12-44.

(Intd.)
D. J.

14-9-44. Letters entered.
Letters received.

(Intd.)

15-11-44. Mr. V. S. Somasunderam files proxy of V. Mariampillai and wife Mathahena and submits that the 51st land in the 10 Inventory was transferred by them to the deceased by Deed No. 2803 of 31-10-36 with the condition that the same should be retransferred by the deceased on the said Vendors paying Rs. 2100/- and interest thereon at nine per cent per annum within two years of the said date of the said transfer. Before the said period of two years expired the deceased Kanthar died and the vendors are continuing in occupation of the said land. The administrator Arumugam sued the said vendors in case No. 35 of this Court for declaration of title and to recover damages. The said land 20 is valued at Rs. 2000/- by the Commissioner of Estate Duty and the vendors offered to pay Rs. 2500/- for the said land to be transferred to them. *Vide* motion of the administrator under J. E. of 12-3-43 and the said vendors were ordered to notice the respondents. The administrator is now dead and his daughter Chellammah has been appointed administratrix de bonis non who is also willing to accept the sum of Rs. 2500/- to be deposited in the case and to re-transfer the said land to the said vendors with the sanction of an authority of this Court. He therefore moves to 30 notice the respondents or file their consent as ordered on 12-3-43 for obtaining a re transfer of the said land.

Vide order.

(Intd.)
D. J.

ORDER.

Vide D. C. 36 wherein the plaintiff is dead. No steps seem to have been taken by the administratrix to proceed

on with that suit although it was fixed for an exparte hearing during the life time of the plaintiff in that suit. The heirs of the deceased in this Testamentary suit are all majors. If the heirs are willing to hand back the land to the clients of Mr. Somasunderam they are at liberty to do so. The Court's permission is not necessary.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

(Intd.)

D. J.

1-12-44. Final account.

Mr. Somasegaram for administratrix de bonis non states that the dispute in respect of the payment of Income Tax has not yet been concluded and connected recovery case No. 286 of this Court is fixed for trial on 21-2-45 and two other recovery cases are yet pending. He therefore moves for a date in the latter part of March, 1945 to file the Final Account in this case.

F. A. for 16-5-45.

(Intd.)

D. J.

15-2-45. Mr. M. R. Karalasingham, Proctor for executor moves that the last will of the late Senny, widow of Murugan attested by him and filed of record be returned to him as the same is required to obtain Probate. He also moves that the sale of the land at Karaiyoor be delayed till his client who is entitled to a half share of the estate is granted probate.

Why was this last will produced in this case.

(Intd.)

9-4-45. Re the above query the Proctor for executor explains that he filed the will to claim this beneficiarie's share in the estate and that the executor was referred to file testamentary case and that papers were filed with the will stating the reasons.

Call case.

(Intd.)

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

12-4-45. Case called.

Mr. Karalasingham says that the Last Will No. 375 is one left by Senny one of the heirs. He wants this will to have it admitted to Probate.

Return this will.

(Intd.)
D. J.

25-7-45. D/N 66919 for Rs. 2500/- issued.

13-8-45. K. R. No. 486/34735 for Rs. 2500/- filed.

10-12-45. Mr. C. C. Somasegaram files bill of costs and moves 10 that the same be taxed.

Tax.

(Intd.)
D. J.

21-2-46. Bill taxed at Rs. 3635-35.

(Intd.)
Secy.

1-4-46. Mr. C. C. Somasegaram for administrator moves that commission due to administrator be fixed taking into consideration the amount of trouble involved. 20

A. Contesting a forged Last Will.

B. Recoveries in 17 cases—10 cases filed.

C. Answering queries of Income Tax Dept.

Expenses incurred in contesting Will and in recovery cases will be debited against estate unless the Testamentary Duty is paid up. Considering the long delay in administering will matter disposed of in 1945.

I think 1½% a generous commission to be allowed. It is allowed.

(Intd.) 30
D. J.

5-7-46. Mr. S. Sivagnanam for 3—12 respondents moves that the case be restored to trial roll as the question of heirship in the above case has not been decided yet.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Why has not F/A been filed yet in this case.

File F/A and move for 31/7.

(Intd.)
D. J.

31-7-46. Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 respondents.

Case called—*Vide* order of 5-7-46.

Final account not filed yet.

10

Final account filed with receipts.

Secy.'s report 21/8.

(Intd.)
D. J.

Secy.'s report on F/A. There are no minors in this case. C. C. may report if there is any.

Deficiency of stamp duty in this case.

After C. C.'s report the respondents may be noticed to pass the Final account.

(Intd.)
Secy.

20

21-8-46. Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 respondents.

Secy. submits his report.

C. C. to report on deficiency of stamp duty on 3/10.

C. C. report def. also 3/10.

(Intd.)

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

27-8-46. One Arumugam and another complain that this case is going on since 1938 and that there is considerable incomes from the estate and that the parties interested are enjoying the income and request that regular steps be taken and that no unnecessary delay is caused by the interested parties.

No address furnished—file.

(Intd.)
D. J.

6-9-46. C. I. T. invites attention to his No. Q/D S of 26-7-46 10 and request for a reply.

Forward record and request that it be return in a fortnight.

(Intd.)
D. J.

11-9-46. Notice of F. A. issued on respondents and substituted respondents except 1 and 15 dead.

(Intd.)

2-10-46. Returns to notices filed.

3-10-46. Mr. C. C. Somasegaram for administratrix. 20

Mr. S. Sivagnanam for 3—12 respondents.

Mr. V. S. Nadarajah for 13 and 14 respondents.

1. C. C. submits his report of no deficiency of stamp duty.

2. *Vide* J. E. of 11-9-46 notices served on 4—13, 16 respondents and 1—3 substituted respondents.

Notice not served on 2 and 3 respondents reported dead and on 14 respondent not found.

1. Substituted respondent present. Others absent. Later 3 substituted respondents present.

Mr. Nadarajah takes notice on behalf of 14 respondent. 30

Mr. Sivagnanam moves for a date to file proxy and statement of heirs of 2 and 3 respondents who are dead.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

For 24th Oct.

1st substituted respondent also wishes to file statement of claim.

For 24th Oct.

(Intd.)
D. J.

24-10-46. Mr. C. C. Somasegaram for administratrix.

10 Mr. S. Sivagnanam for 3—12 respondents.

Mr. V. S. Nadarajah for 13 and 14 respondents.

1. Proxy of heirs of 2 and 3 respondents due from Mr. S. Sivagnanam—not filed.

2. Statement of claim due from 1. Heirs 2 and 3 respondents. 2. 1st substituted respondent not filed.

Final account passed.

Proceedings terminated.

(Intd.)
D. J.

20 24-10-46. Mr. C. C. Somasegaram for administratrix moves for an order of payment for Rs. 2045-10 for the balance costs due to him as shown under item 12 of the Dr. side of the Final account which had been passed with notice to the respondents. He files minute of consent from the administratrix.

Pay.

(Intd.)
D. J.

24-10-46. P. O. No. 90398 for Rs. 2045-10 entered in favour of Mr. C. C. Somasegaram, Proctor Jaffna.

30 (Intd.)

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

29-10-46. Mr. C. C. Somasegaram for administratrix de bonis non moves that the securities be released and the title deeds tendered as security be returned. The title deeds are 3064/2-10-40, 526/20-5-33 and 9515/30-3-1900 filed with security bonds 2121/23-3-42 and 2543 of 5-8-44.

Return.

(Intd.)

D. J.

Received title deeds.

(Intd.)

1-11-46. Mr. C. C. Somasegaram for administratrix de bonis non 10 moves for an order of payment for Rs. 1816-08 in favour of Chellammah, wife of P. Phillip administratrix in these proceedings, being the amount due to her for her commission and monies advanced by her and shown under item 13 of the Dr. side of the Final account which has been passed with notice to all respondents.

What is proposed to be done re debts recoverable items 11 and 7 in the Final account.

If these debts get prescribed through her negligence administratrix may have to pay the heirs these sums. She 20 should either recover the debts or file application for judicial settlement and distribute these debts to some heirs so that they may recover them.

(Intd.)

D. J.

6-11-46. of P. O. 9298 for Rs. 2045-10 received and filed separately.

(Intd.)

19-12-46. Mr. C. C. Somasegaram for administratrix submits that the sole heirs Ilaiavy Arumugam's Estate is being adminis- 30 tered in Testy. Case No. 167 of this Court and the Commissioner of Estate Duty has assessed his estate and had demanded payment of estate duty in the sum of Rs. 549/- and interest thereon at four per cent from 1-5-44 which comes to Rs. 58-56 and both aggregating to Rs. 607-56.

He therefore moves that an order of payment be issued to the Commissioner of Estate Duty for Rs. 607-56 out of

the amount lying in deposit in this case.

Support.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

9-1-47. *Vide* application of C. E. D. in Testy. 167.

Vide payment order.

(Intd.)
D. J.

20-1-47. P. O. 90682 for Rs. 607-56 entered in favour of C. E. D.

10

(Intd.)
Secy.

22-1-47. Mr. V. S. Nadarajah for 13th and 14th respondents files notice dated 11-9-46 served on the respondents and moves that the order dated 24-10-46 terminating proceedings be vacated and that the case be fixed for inquiry to consider the question of heirship reserved for subsequent adjudication by order of 20-1-41.

Support on 29/1.

(Intd.)
D. J.

20

29-1-47. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 13th and 14th respondents.

Case called to support application of 22-1-47.

Mr. Adv. Somasegaram instd. by Mr. V. S. Nadarajah for 13th and 14th heard.

Let papers be filed by them for judicial settlement as contemplated in Section 726 of the Code.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

13-2-47. Admn. of P. O. 90682 for Rs. 607-56 received and filed separately.

(Intd.).....

13-2-47. C. E. D. sends receipt O 1091 for Rs. 607-56.

J. E. of 20-1-47.

(Intd.)

20-3-47. Mr. V. S. Nadarajah, Proctor for petitioner 12, 13 and 14 respondents files the affidavit of the 2nd petitioner—13th respondents—and for reasons stated therein moves for citation on the respondents for judicial settlement of the 10 estate of the deceased in this case and decree be entered.

Issue for 2nd May.

(Intd.)
D. J.

2-5-47 Citation not issued—issue now for 13/6.

(Intd.)

7-6-47. Citation signed.

(Intd.)

13-6-47. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents. 20

1. *Vide* J. E. of 20-3-47.

2. Citation entered—*Vide* J. E. of 7-6-47 but not issued.

3. Mr. Nadarajah moves that permission be granted for citation on the Proctor.

Allowed.

Whether they are represented by Proctors. Issue the citation for 18th July.

(Intd.)
D. J. 30

2-7-47. Citation on Mr. C. C. Somasegaram, Proctor for administratrix. No. 1
Journal
Entries
20-1-41 to
15-9-58 |
—continued.

Mr. S. Sivagnanam, Proctor for 2 to 11 respondents and 12, 13, 14 and 16th respondents issued.

(Intd.)
D. J.

17-7-47. Return to citation filed.

(Intd.)

18-7-47. Mr. C. C. Somasegaram for administratrix.

10 Mr. V. S. Nadarajah for 12—14 respondents.

1. Citation served on Mr. C. C. Somasegaram, Proctor for administratrix, Mr. S. Sivagnanam, Proctor for 2—11 respondents and on 12—15 respondents.

2. Proctors C. C. Somasegaram and S. Sivagnanam present.

3. 12 and 13 present, 14 absent and 15 present.

4. Mr. Adv. Nagendra for Mr. Sivagnanam.

Objections on 22nd August.

(Intd.)
D. J.

20

18-7-47. Mr. S. Sivagnanam, Proctor files proxy of the petitioners together with their petition and affidavit and for reasons stated therein move for a notice on the administratrix respondent to show cause why the petitioner should not substitute in the record in the room of 2nd and 3rd respondents deceased.

Notice for 22-8-47.

(Intd.)
D. J.

80

7-8-47. Notice on administratrix issued.

(Intd.)

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

- 21-8-47. Return to notice filed. (Intd.)
- 22-8-47. Mr. C. C. Somasegaram for administratrix.
Mr. V. S. Nadarajah for 12—14 respondents.
1. *Vide* J. E. of 18-7-47.
 2. C. C. reports that citation was served on all respondents.
 3. Objections due.
 4. *Vide* J. E. of 18-7-47.
 5. Mr. S. Sivagnanam for petitioners. 10
 6. Notice of application of 18-7-47 served on administratrix.
 7. Administratrix is absent.
 8. Parties present consent to the application of Mr. Sivagnanam to substitute in place of deceased 2 and 3 respondents.
- Substitution allowed. Enter caption.
- Mr. Sultan files his statement by way of affidavit showing heirship to the deceased with proxy.
- Mr. Sivagnanam to file his statement also by way of 20 affidavit on 26th September.
- 19th respondent present to file statement also.
- (Intd.)
D. J.
- 26-9-47. Mr. C. C. Somasegaram for administratrix.
Mr. V. S. Nadarajah for 12—14 respondents.
Mr. S. Sivagnanam for 20—26 substituted respondents.
M/s. Abubacker & Sultan for 17 and 18 respondents.
1. Statement by way of affidavit due from Mr. Sivagnanam—filed. 80



2. Statement due from 19th respondent.

No. 1
Journal
Entries
20-1-41 to
15-9-58
--continued.

3. Proxy filed and Proctor abides by the pedigree filed by the 19th respondent's father 15th respondent—deceased.

Enquiry for 20th January, 1948.

(Intd.)

12-1-48. Administratrix list of witnesses filed.

3 witnesses cited through N. P.

1 witness cited through F. M. Kayts.

(Intd.)

10 19-1-48. Rev. Jesu Thasan, o. m. i. Parish Priest, St. Mary's Church, Kayts states he will not be able to attend Court unless the cost of his journey to Jaffna Rs. 20/- is sent to him by the plaintiff in time. Otherwise his Catechist Mr. N. John will produce the Register of Baptism if his cost of travel Rs. 5/- is sent.

ORDER.

Refer to Proctor who summoned him.

(Intd.) D. J.

20 20-1-48. Inquiry.

Mr. C. C. Somasegaram for administratrix.

Mr. Adv. Kulasingam with Mr. Adv. Cader and Mr. Adv.....

Mr. V. S. Nadarajah for 12—14 respondents Mr. Adv.....

Mr. S. Sivagnanam for 20—26.

4—11 substituted respondents.

Mr. Adv. Ragupathy.

M/s. Abubacker & Sultan for 17 and 18 respondents.

No. 1
Journal
Entries
20-1-41 to
15-9-58
—continued.

Mr. Adv. Shanmugam.

Mr. R. A. Kumaraswamy for 19th respondent.

13th respondent is ill. Medical certificate filed. Inquiry postponed for 23rd June.

(Intd.)
D. J.

13th respondent will pay the costs of today to administratrix Rs. 52-50 to 4 to 11 and 20 to 26 substituted respondents Rs. 52-50.

(Intd.)
D. J. 10

18-5-48. Proctor for administratrix moves to re issue summons on John Anthonipillai alias Scenithamby of Karaiyoor on whom ss were not served for the last date.

Re issue for 23-6-48.

(Intd.)
D. J.

19-5-48. Ss on John Anthonipillai re issued through Fiscal N. P.

(Intd.)

23-6-48. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents. 20

Mr. S. Sivagnanam for 20—26 substituted respondents.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

13th respondent one of the petitioners reported dead,

Take off inquiry roll.

Parties concerned to take steps.

(Intd.)
D. J.

23-6-48. Commissioner of Income Tax by No. Q 58/228 of No. 1
18-6-48 calls for the record in the case. Journal
Entries
20-1-41 to
15-9-58
—continued.

Send it forthwith.

(Intd.)
D. J.

15-3-49. C. I. T. requests payment of Rs. 1485/- being the
amount of Income Tax for the years 1941/44.

Pay.

(Intd.)
D. J.

10

17-3-49. P. O. A29280 for Rs. 1485/- issued.

Receipt No. E48281 filed.

(Intd.)

4-7-49. C. I. T. sends notice under Section 81 copy of which
was sent to Mrs. P. Phillip and states that a sum of
Rs. 500/- being amount of Income Tax for the
1944/45, 1946/47 payable by the administratrix Mrs.
P. Phillip and moves for a P. O. in her favour for
that sum.

20

Pay.

(Intd.)
D. J.

7-7-49. P. O. A. 17382 for Rs. 500/- issued in favour of C. I. T.

(Intd.)
D. J.

8-7-49. P. O. Sent to C. I. T.

21-7-47. C. I. T. sends receipt E. 74128.

(Intd.)

30

27-9-49. There are some jewellery and other productions lying in
the safe undisputed.

Parties may be noticed either to sell or take charge of
the articles.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-8-58

Notice administratrix for 17-10-49.

(Intd.)
D. J.

28-9-49. Notice issued.

(Intd.)

13-10-49. Return filed.

(Intd.)

17-10-49. C. C. Somasegaram for administratrix.

1. *Vide J. E.* of 27-9-49.

2. Notice to sell or take charge of the jewellery etc. 10 served on administratrix.

3. She is present and states she is prepared to take charge of jewellery.

Inquiry re heirship for 23-12.

Secy. for action.

(Intd.)
D. J.

2-12-49. C. I. T. wants this record for official reference and return within 10 days.

1. Send.

20

2. Open sub file.

(Intd.)
D. J.

23-12-49. Mr. C. C. Somasegaram for administratrix.

1. Record not received from Commr. of Income Tax.

2. Call for record from C. I. T.

3. Call case on 16-1-50.

(Intd.)
D. J.



16-1-50. Mr. C. C. Somasegaram for Administratrix

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

1. Record received from C. I. T.

2. *Vide J. E.* of 17-10-49.

3. Inquiry re heirship refixed for Mr. Somasegaram for administratrix who is present agrees for the jewellery by sale and deposited in Court.

Secy. to call up from the Bazaar jewellers and to sell for the best possible price and deposit in Court.

Re heirship let steps be taken by those concerned.

10

(Intd.)
D. J.

13-2-50. Mr. V. S. Nadarajah for present petitioner files proxy, petition and affidavit and for reasons stated therein moves that the names of the present petitioner be substituted in the record in the room of the deceased, Muthy, wife of Poothi Vairamy-2nd petitioner-as her heirs for the purpose of inquiring into the judicial settlement and to carry on the case to its termination.

Notice administratrix for 17-3-50.

20

(Intd.)
D. J.

3-3-50. Notice issued on the administratrix to the Fiscal N. P. for 17-3-50.

(Intd.)

17-3-50. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for present petitioner.

1. *Vide J. E.* of 13-2-50.

2. Return to notice due.

3. She is absent.

30

Later present and consents substitution. Enter caption-Issue notice on all parties.-to be served on parties where they are represented by Proctors to appear and take date of inquiry into Judicial settlement for 28/4.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

Mr. Nadarajah states that citation has been served on all parties earlier. Office to check up.

(Intd.)
D. J.

24-4-50. Notice issued on the administratrix to Fiscal N. P. for 28-4-50.

(Intd.)

28-4-50. Return to notice filed.

(Intd.)

28-4-50. Mr. C. C. Somasegaram for administratrix. 10

Mr. V. S. Nadarajah for 12-14 respondents.

Mr. S. Sivagnanam for 20-26 substituted respondents.

Messrs. Aboobucker & Sultan for 17 and 18 respondents.

Mr. R. S. Kumaraswamy for 19th respondent.

1. Fresh Caption due.

2. *Vide* J. E. of 17-3-50.

3. Notice re date of inquiry into Judicial settlement served on Proctor for administratrix.

4. Mr. C. C. Somasegaram is present.

5. Notice not issued on others. 20

Mr. Sivagnanam for 4 to 11 respondents and 20 to 26th respondents takes notices.

Mr. R. A. Kumaraswamy takes notice for 19th respondent.

Issue notice on others for 23rd June.

(Intd.)
D. J.

Mr. Abubucker states he has lost touch with his clients that his clients be served.

(Intd.) 30
D. J.

23-6-50. Mr. S. C. Somasegaram for administratrix.
 Mr. V. S. Nadarajah for 12—14 respondents.
 Mr. S. Sivagnanam for 2—026 substituted respondents.
 M/s. Abubucker & Sultan for 17 & 18 respondents.
 Mr. R. A. Kumaraswamy for 19th respondent Vide
 previous J. E.

No. 1
 Journal
 Entries
 20-1-41 to
 15-8-58
 —continued.

1. Fresh caption due-for 28/7

2. Notice re date of inquiry into Judicial settlement
 issued on others.

10 Issue now for 28/7.

(Intd.)

28-7-50. Mr. C. C Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 & 4 respondents.

Mr. S. Sivagnanam for 20—26 substd. respondents.

M/s. Abubucker & Sultan for 17 & 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

1. Fresh caption due-filed.

2. Notice re date of inquiry into judicial settlement not
 issued on others.

20 Notice to issue on 16, 17 & 18 respondents for 31/8

(Intd.)
D. J.

31-8-50. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 & 4 respondents.

Mr. S. Sivagnanam for 20—24 respondents.

M/s. Abubucker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent,

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

1. *Vide* previous J. E.

2. Notice re date of inquiry into judicial settlement not issued on 16, 17 & 18 respondents.

Issue now for 12/10.

(Intd.)
D. J.

3-10-50. Notice on 16th respondent & on Proctors for 17 and 18 respondents issued to Fiscal Jaffna returnable 12-10-50.

(Intd.)

3-10-50. Notice on 16th respondent and on Proctors for 17 and 18 10 respondents issued to Fiscal N. P. returnable 10-10-50.

(Intd.)

12-10-50. 1. *Vide* J. E. of 31-8-50.

2. Notice served on 16th respondent and on Proctor Mr. Sultan for 17th and 18 respondents.

16th respondent absent.

Mr. Sultan submits 17-18 respondents do not see him now.

Notice 17 and 18 respondents for 10/11.

(Intd.)
D. J. 20

10-11-50. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 & 4 respondents.

Mr. S. Sivagnanam for 20—26 respondents.

Mr. Abubucker & Sultan for 17 & 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

Notice not issued on 17 and 18 respondents.

Issue for 11/12.

(Intd.)
D. J.

11-12-50. Notice not issued on 17 & 18 respondents for the 2nd time.
 Proctor for 17 & 18 respondents present and submits that he is not interested with them.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

Substituted service on 17—18 respondents on affidavit being filed for 22-1-51.

(Intd.)
D. J.

22-1-51. 1. *Vide* J. E. of 11-12-50.

10 2. Notice on 17-18 respondents not served and affidavit not filed.

3. Issue now for 19-2-51 for substituted service on affidavit being filed.

(Intd.)
D. J.

19-2-51. Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 & 4 respondents.

Mr. S. Sivagnanam for 20—26 respondents.

M/s. Abubucker & Sultan for 17 & 18 respondents.

20 Mr. R. A. Kumaraswamy for 19th respondent.

Vide J. E. of 11-12.50.

Notice on 17 & 18 respondents not issued and affidavit not filed.

Estate closed Final account accepted. Application for Judicial settlement is rejected. Enter Register.

(Intd.)
D. J.

Register entered.

(Intd.)

30 13-9-51. As the Final a/c has been accepted and estate declared, closed on 19-2-51 Mr. C. C. Somasegaram for administratrix

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

de bonis non moves that an O/P for Rs. 671/28 due to the administratrix and shown under item 12 Cr. side of the F/A be paid to her.

File scheme of distribution if necessary in Court.

(Intd.)
D. J.

24-9-51. Mr. C. C. Somasegaram for administratrix de bonis non files scheme of distribution and moves for an O/P in favour of administratrix de bonis non for Rs. 1816/08 being amount due to her for commission *vide* item 12 Dr. side and other 10 expenses met by her in administering the estate and shown under item 13 Dr. Side of the F/A which had been passed with notice to all parties.

Allowed.

(Intd.)
D. J.

28-9-51. P/O No. 74303 for Rs. 1816/08 entered in favour of Chellammah, wife of Phillip of Karaiyoor Jaffna.

(Intd.)

7-12-51. Mr. C. C. Somasegaram for administratrix de bonis non 20 moves that the sum of Rs. 7541/27 together with L. B. D. D. be transferred to Testy case No. 167 D. C. Jaffna as this case has been finally decided *Vide* J. E. of 19-2-51 and J. E. in 167 T of 23-6-48. The estate of the late Ilayavi Arumugam, the sole heir to the estate administered in this case, is being administered in case No. 167 T.

Mr. Somasegaram moves for a date to support this application if necessary.

Allowed.

(Intd.) 30
D. J.

10-12-51. O/P A 74518 for Rs. 7541/27 issued to G. A., N.P., Jaffna to be transferred to D. C. Jaffna case No. 167 T.

(Intd.)
D. J.



6-3-52. Mr. S. Sivagnanam for 3—12 & 20—26 respondents submit that in this case several parties contested the heirship of the deceased Kanthar who died issueless of consent by order dated 20-1-41 certain Arumugam was to be issued Letters of Administration giving him the status “ an heir ” The question of heirship has been left open and up to date this question has not been adjudicated. The administratrix Chellammah has failed to give notice to all parties concerned-the alleged heirs-of her application to transfer a sum of Rs. 7541/27 from this case to case No. 167T. D.C. Jaffna where the present administratrix Chellammah states in her affidavit that the “ sole heir ” of Deceased Kanthar was the said Arumugam original administrator.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

10

Mr. S. Sivagnanam further submits that the application to have the said sum of Rs. 7541/27 transferred is irregular and illegal and therefore moves that the administratrix in case No. 167 Testy be ordered to show cause as to why she should not re-transfer the said money to this case.

Issue notice for 28-4-52.

20

(Intd.)
D. J.

11-3-52.

Notice on administratrix issued to Fiscal N. P.

(Intd.)

2-4-52.

Return file.

(Intd.)

28-4-52.

Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 & 20—26 respondents.

1. Notice served on administratrix.

2. Administratrix is present.

30

3. Objections on 9-6-52.

(Intd.)

9-6-52.

1. Objections due.

Not filed -file on 30-6-52.

(Intd.)

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

- 30-6-52 1. Objections due-filed.
Inquiry on 17-11-52. (Intd.)
D. J.
- 17-11-52. Mr. C. C. Somasegaram for administratrix.
Mr. S. Sivagnanam for 3—12 & 20—26 respondents.
Vide proceedings in separate sheet.
Inquiry postponed for 18-2-53. (Intd.)
D. J. 10
- 18-2-53. Inquiry.
Mr. C. C. Somasegaram for administratrix.
Mr. Sivagnanam for 20—26 & 3—12 respondents.
Mr. V. S. Nadarajah for 1, 2 & 4 respondents.
Mr. Abubucker & Sultan for 17 & 18 respondents.
Mr. P. A. Kumaraswamy for 19th respondent.
Vide proceedings on separate sheet Call case on 9-3-53.
(Intd.)
D. J.
- 27-2-53. Mr. C. C. Somasegaram for administratrix de bonis non 20
appellant files petition of appeal of the administratrix de
bonis non-appellant together with notice of tendering
security for 11-3-53 and moves that the said notice be
ordered to be issued on the respondents and their Proctors
Mr. S. Sivagnanam of Chankanai.
He further tenders stamps to the value of Rs. 17/- for
S. C. Decree and Rs. 17/- for certificate in appeal.
Appeal is accepted.
Issue notice of tendering security returnable 11-3-53.
(Intd.) 30
D. J.

27-2-53. Notice of tendering security on 1 to 16 respondents and on their Proctor Mr. S. Sivagnanam issued through Fiscal N.P. (Intd.)
No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.
D. J.

27-2-53 Defficiency Rs. 11/- due from 4—12 & 20—26th respondents on notice dated 11-3-52.

(Intd.)

9-3-53. Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 4-12 & 20-26 respondents.

10 M/s. Abubucker & Sultan for 17 and 18 respondents.

Mr. R. A. Cumaraswamy for 19th respondent.

Mr. V. S. Nadarajah for 27—30th respondents.

Case called-*vide* J. E. of 18-2-53 deficiency of Rs. 11/- due from 4—12 & 20—26 respondents.

Papers for judicial settlement due from administratrix.

Appeal filed. Await result.

(Intd.)
D. J.

11-3-53. Mr. C. C. Somasegaram for administratrix de bonis non.

20 Mr. S. Sivagnanam for 4—12 & 20—26 respondents.

1. *Vide* J. E. of 27-2-53.

2. Notice served on 1—6, 10—16 respondents and on Proctor for 4—12 & 20—26 respondents.

1st respondent Velan Marimuttu

2nd do Velan Vaithian

3rd do Murugar Ponna

4th do Ledchumi

5th do Pathan Kanapathy

6th do Ponny

10th do Sinnavan Kanapathy

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

11th respondent Sinnavan Arumugam
12th do Vairavan Kanapathy
13th do Kanavathy Sellan
14th do Seethai
15th do Sinnapoddian Vally
16th do wife of Sinnapoddian Vally (Kuddy)

3. Proctor for 4—12 & 20—26 respondents absent.

3A. not served on 7—9 respondents.

4. Deficiency Rs.11/- due from Sivagnanam.

5. Reissue on 7-9 respondents for 30-3-53 Security is 10 fixed at Rs. 200/- costs.

(Intd.)
D. J.

12-3-53. Mr. C. C. Somasegaram for appellant files security bond together with K. R. for Rs. 200/- and notice of appeal and application for typewritten copies and moves that the said notice be ordered to be issued on Mr. S. Sivagnanam, Proctor for respondents.

File security bond. It is accepted. Issue notice of appeal returnable 30-3. 20

(Intd.)
D. J.

14-3-53. K. R. 1395/61804 of 13-3-53 for Rs. 8/- being cost of appeal brief filed.

(Intd.)

14-3-53. Notice of tendering security on 7—9 respondents reissued through Fiscal N. P.

(Intd.)

Notice of appeal on Mr. S. Sivagnanam Proctor for respondents issued through Fiscal N. P. 80

(Intd.)

24-3-53. Return filed.

(Intd.)

30-3-53. Mr. C. C. Somasegaram for administratrix de bonis non appellant.

Mr. S. Sivagnanam for 4—12 & 20—26 respondents.

1. *Vide J. E* of 27-2-53.

2. Notice served on 7 & 8 respondents and on Mr. S. Sivagnanam Proctor for 4—12 & 20—26 respondents.

7th respondent V. Kathiravilan is absent.

8th do Thangamuttu is absent.

Mr. S. Sivagnanam Proctor is absent.

Notice not served on 9th respondent.

Reissue for 15-5-53.

10 Deficiency Rs. 11/- due from Mr. Sivagnanam for 15-5.

(Intd.)
D. J.

11-5-53. Notice of tendering security re-issued on the 9th respondent through Fiscal N. P.

(Intd.)

15-5-53 Mr. C. C. Somasegaram for administratrix de bonis non appellant.

Mr. S. Sivagnanam for 4—12 & 20—26 respondents.

Deficiency Rs. 11/- due from Mr. Sivagnanam.

20 Notice not served on 9th respondent for want of time.

Reissue for 12-6-53.

(Intd.)
D. J.

22-5-53. Notice of tendering security on 9th respondent reissued through Fiscal N. P.

(Intd.)

12-6-53. 1. Deficiency Rs. 11/- due from Mr. Sivagnanam not supplied.

2. Call for *Vide J. E.* of 15-5-53.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

3. Notice on 9th respondent not served.

4. V. H. reports that 9th respondent is not a resident in his division.

Reissue returnable 17-7-53.

(Intd.)
D. J.

17-7-53. Mr. C. C. Somasegaram for administratrix de bonis non Appellant.

Mr. S. Sivagnanam for 5—12 & 20—26 respondents.

Deficiency Rs. 11/- due from Mr. Sivagnanam. 10

Notice on 9th respondent not reissued.

Reissue with full particulars for 17-8-53.

Deficiency for same date.

(Intd.)
D. J.

17-8-53. 1. Deficiency Rs. 11/- due from Mr. Sivagnanam.

2. Notice on 9th respondent not reissued.

3. Write to Proctor to supply before 24-8-53.

Call on 24-8-53.

(Intd.) 20
D. J.

Written to.

(Intd.)

24-8-53. Mr. C. C. Somasegaram for administratrix de bonis non appellant.

Mr. S. Sivagnanam for 4—12 & 20—26 respondents.

1. Deficiency Rs. 11/- due from Mr. Sivagnanam supplied.



2. Notice on 9th respondent not reissued.

Not necessary.

3. Forward record to S. C.

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Journal
Entries
20-1-41 to
15-8-58
—continued.

(Intd.)
D. J.

2-3-54 C. E. D. requests that this record be forwarded to him for reference and return.

10 It is required by him for estate duty purposes in connection with D. C. Jaffna, Testamentary Case No. 1662 and will be returned within 2 weeks.

Forward to Supreme Court first. Inform C. E. D. that record will be sent to him after the appeal is over.

(Intd.)
D. J.

19-5-55. Registrar Supreme Court returns record (in 3 Volumes) with Supreme Court Order No. 60.

(a) Rejecting the appeal.

(b) Order the appellant to pay the costs of this appeal to the clients of Messrs Sivagurunathan and Nadarajah.

20 (c) No costs of the inquiry in the District Court.

(d) Copy of judgment filed.

Order

(1) Enter result in appeal register.

(2) Proctor for parties to note.

(3) Call case in open Court on 27-5-55 for further steps in the case.

(4) Mention order of 2-3-54 para (2) also on same date.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
19-5-55,

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

27-5-55. Mr. C. C. Somasegaram for Administratrix de bonis non-present.

Mr. S. Sivagnanam for 4—12 and 20—26th Respondents present.

1- Case called for further steps.—*Vide* Journal Entry of 19-5-55.

2. Journal Entry of 2-3-54 para (2) mentioned.

3. Mr. S. Sivagnanam for respondents moves that the Administratrix be ordered to furnish sufficient security for the reasons stated in his motion of 26-5-55, and to bring into court all the monies due to the estate.

(4) call on 3-6-55.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

3-6-55. (1) *Vide* J. E. of 27-5-55.

(2) Case called.

(3) J. E. of 2-3-54 para (2) mentioned.

(4) Mr. S. Sivagnanam for 4-12 and 20-26th respondents files affidavit of 22nd defendant and for reasons stated therein, moves that this application minuted *Vide* J. E. of 27-5-55 be granted.

(1) The Administratrix should furnish security on 24-6-55. Security to be given in Rs. 10000/-

(2) Papers for Judicial settlement on 24-6-55.

(3) Retransfer money from 167 Testy.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
3-6-55.

21-6-55. D/N No. A067690 for Rs. 8315/57 issued and forward to G. A., N. P. with O/P No. B 010753 for same amount being a mount transferred from D. C. Jaffna Testy Case No. 167 T.

(Intd.)

24-6-55. Mr. C. C. Somasegaram for Administratrix de bonis non. No. 1
Journal
Entries
20-1-41 to
15-858
—continued.

Mr. S. Sivagnanam for 4—12 and 20—26th Respondents.

(1) *Vide* Journal Entry of 3-6-55.

(2) Security due bond tendered with certificate of non-encumbrance and certificate of worth.

(3) Papers for Judicial settlement due not filed.

10 (4) Mr. S. Sivagnanam for 4—12 and 20—26th Respondents, submits that the Administratrix has sold properties belonging to the estate without the sanction of the Court and further states that she has not disclosed certain properties in the Inventory, and hence he moves.

(a) That the court be pleased to issue warrant or attachment against the said Administratrix and deal with her for contempt of court under Section 718 of C. P. C.

(b) That the Court be pleased to order the Administratrix to be examined under section 735 of C. P. C. relating to her administration.

20 (c) And that the Administratrix be ordered to deliver all the money and other property of the Estate and all papers relating to the estate under her control to any person Authorised by the Judge under section 719 of C. P. C.

File proper papers and move.

Security bond on 22-7-55.

Steps re Judicial settlement 22-7-55.

(Sgd.) P. SRI SKANDARAJAH
D. J.
24-6-55.

28-6-55. K. R. XE. 196/063286 of 23-6-55 for Rs.8315/57 filed.

(Intd.)

30 20-7-55. M/s. Abubucker and Sultan for 17th and 18th Respondents move that the lands tendered as security be not accepted as security for Rs. 10000/- ordered by Court as the 1st land is an

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

undivided share, the 2nd land is a waste land situated at Paraicheriveli close to the sea and the 3rd land is only 13½ kulies situated at Navanturai, and for the other reasons stated in the motion.

They further state that the Administratrix is possessed of land 5 lms. at Karayoor and another land at Alaveddy, and move that the administratrix be ordered to give her lands as security.

Mention on 22-7-55.

(Sgd.) P. SRI SKANDARAJAH, 10
D. J.

22-7-55. Mr. C. C. Somasegaram for administratrix de bonis non
Mr. S. Sivagnanam for 4—12 and 20—26th Respondents.
M/s. Abubucker and Sultan for 17th and 18th Respondents.

(1) *Vide* Journal Entry of 24-6-55 & 20-7-55.

(2) Scrutiny of bond-see J. E. of 20/7.

(3) Steps re judicial settlement due-Pettition and affidavit filed.

(4) I am not satisfied with security tendered. 20

File proper security first.

Security on 15-8-55.

(Intd.) P. S.
D. J.

25-7-55. Mr. S. Sivagnanam for 4 to 11th and 20th, 26th Respondents files petition and affidavit of the 22nd Respondent and moves that his application of 24-6-55 be considered.

He further moves for a citation on the Administratrix de bonis non and 16th Respondent requiring them to attend and be examined on oath relating to the administration of the 80 properties involved in this estate.

Support.

(Intd.) P. S.
D. J.

27-7-55. Mr. C. C. Somasegaram for Administratrix.

Mr. S. Sivagnanam for 4—11 and 20—26th Respondents.

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Journal
Entries
20-1-41 to
15-8-58
—continued.

(1) *Vide* Journal Entry of 25-7-55.

(2) Case called to support.

(3) Mr. Adv. Ponnambalam in support on his motion.

Call on 15-8-55.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

10 27-7-55. Mr. S. Sivagnanam for 4—11 and 20—26th Respondents files Supreme Court bill of costs payable by the Administratrix de bonis and moves for a notice of taxation on her.

Issue notice returnable 15-8-55.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

28-7-55. Notice on Administratrix de bonis issued through Fiscal N. P., Jaffna.

(Intd.)
28/7.

15-8-55. (1) *Vide* Journal Entry of 27-7-55.

20 (2) No return to notice of taxation issued on Administratrix de bonis.

(3) *Vide* Journal Entry of 22-7-55.

(4) Security due.

(5) The lands tendered are accepted for Rs. 6500/-. Further security for Rs. 3,500/- to be given.

Same on 5-9-55.

(Intd.) P. S.
D. J.

80 17-8-55 As the Fiscal has forwarded the return to the Registrar, Supreme Court. after serving the notice on the Administratrix

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

de bonis non, Mr. S. Sivagnanam for 8—11 and 20—26th Respondents moves that the bill of costs filed of record be sent to the Registrar, Supreme Court for taxation.

Call for the returns from the Fiscal.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

Call for.

(Intd.)
18-8-55.

27-8-55. Return filed. (Intd.) 10

29-8-55. Sivagnanam for 4—11 and 20—26th Respondents moves that the Supreme Court Bill of Costs and notice of taxation with Fiscal's report be forwarded to the Registrar, Supreme Court for taxation.

The notice has been served on the Administratrix de bonis non on 4-8-55.

Forward the bill, notice and report to Registrar, Supreme Court.

(Sgd.) P. SRI SKANDARAJAH, 20
D. J.

5-9-55. Mr. C. C. Somasegaram for Administratrix-present.

Mr. S. Sivagnanam for 4—11 and 20—26th Respondents present.

(1) *Vide* Journal Entry of 15-8-55.

(2) Case called.

(3) Security is accepted. Bond is returned for Registration.

Issue citation on 17-10-55.

Registered Bond 17-10-55.

(Intd.) P. S. 30
D. J.

- ██████████
- 28-9-55- Citation on 4 to 11, 14, 16 to 30th Respondents issued through Fiscal, N. P. Jaffna. (Intd.) 28-9-55
- No. 1
Journal
Entries
20-1-41 to
15-8-58
—*continuat.*
- 7-10-55. *Vide* Journal Entry of 5-9-55.
Registered Bond filed.
(Intd.)
- 11-10-55. The following articles belonging to this estate are remaining in this Court for a long time.
- 10 Write to proctor for Administratrix to take action before 25-10-55 for the disposal of the same.
- 1 packet red stones.
1 pair ear studs.
1 kadukkan (single)
2 packets glass stones.
1 packet green stones.
- (Intd.) P. S.
D. J.
- 20 Written to (Intd.) 11-10-55.
- 17-10-55. Mr. C. C. Somasegaram for Administratrix.
Mr. S. Sivagnanom for 4—11 and 20 to 26th Respondents.
- (1) *Vide* Journal Entry of 5-9-55.
(2) Registered Bond due.
(3) Citation on 4—11, 14, 16 to 30th Respondents served.
- 4th Respondent V. Marimuttu
5th „ V. Vaithian
6th „ M. Ponnar
7th „ and wife, Ladchumi
8th „ P. Kanapathy and
9th „ wife Ponny
- 30

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Journal
Entries
20-1-41 to
15-8-58
—continued.

10th	,,	V. Kathira Velan	
11th	,,	and wife, Thangamuttu	
14th	,,	M. Antonippillai	
16th	,,	Rasamany WW/O Muthu	
17th	,,	A. Veera-singham	
18th	,,	and wife Packiam	
19th	,,	A. Kanagamuthu	
20th	,,	S. Kanapathy	
21st	,,	S. Arumugathan	
22nd	,,	V. Kanapathy	10
23rd	,,	K. Sellan	
24th	,,	and wife, Seethai	
25th	,,	S. Vally	
26th	,,	and wife, Kuddy	
27th	,,	V. Nallathamby	
28th	,,	V. Chelliah	
29th	,,	E. Sinnapody	
30th	,,	and wife, Valliamai	

(4) Mr. S. Sivagnanam for 4—11 and 20th—26th Respondents files petition and affidavit with pedigree of 4—11 & 20—26 Respondents by way of objections to citation issued on them.

(5) 6th, 8th, 9th, 10th, 11th, 14th, 16th, 17th, 18th, 19th, 22nd, 27th, 29th, and 30th-present.

Others absent.

Objections of 17th, 18th, 19th, 27th, 29th, and 30th on 31-10-55.

(Intd.) P. S.
D. J.

28-10-55. Mr. S. Sivagnanam for Petitioner, submits that the 20th Respondent Sinnavan Kanapathy died on or about 17-10-55, and therefore moves to file proxy of the heirs of the said 20th Respondent (1—4th) petitioners together with affidavit of 1st and 2nd named petitioners and petition of 1 4th petitioners for the purpose of substituting the said petitioners in the record in place of the 20th respondent, deceased.

Mention on 31-10-55.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

31-10-55. Mr. C. C. Somasegaram for Administratrix.
Mr. S. Sivagnanam for 4—11 and 20—26th Respondents.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

(1) *Vide* Journal Entry of 17-10-55.

(2) Objections of 17, 18, 19, 27, 29 and 30th Respondents due.

(3) Journal Entry of 28-10-55 mentioned.

(4) Mr. V. S. Nadarajah files objection of 14, 27th, 28th, 29th and 30th Respondents.

Mr. S. Sivagnanam's application of 28-10-55 allowed.

10 Substitutc. He abides by the objection already filed.

Mr. Sultan files objections of 17th and 18th.

Inquiry 12-12-55 and 13-12-55.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

(1) Deficiency -/50 due from 17th and 18th Respondents (Proctor, Mr. Sultan).

(3) Deficiency Rs. 2/50 due from 14, 27, 28, 29 and 30th Respondents.

(Proctor, Mr. V. S. Nadarajah).

20

(Intd.) 1-11-55.

2-11-55. M/s. Abubucker and Sultan for 17th and 18th Respondents file bill of costs incurred in the Suprme Court by the 17th and 18th Respondents and move for notice of taxation on the Administratrix de bonis non-appellant retunable 23-11-55.

Issue notice for 23-11-55.

(Intd.) P. S.
D. J.

8-11-55. Notice issued through Fiscal, N. P. Jaffna.

30

(Intd.)
8-11

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

22-11-55. Mr. S. Sivagnanam for 4—11, 20—26th and 31—34th Respondents files consent paper of his clients and with the consent of the proctor for Administratrix de bonis non (the appellant) moves that the sum of Rs. 200/- deposited as security for costs of appeal be paid to him.
pay.

(Intd.) P. S.
D. J.

23-11-55. P. I. Vr. for Rs. 40/- issued to Proctor for 4—11 and 20—26 Respondents. 10

(Intd.)

23-11-55. Mr. C. C. Somasegaram for Administratrix.
Mr. S. Sivagnanam for 4—11 and 20—26 Respondents.
Messrs. Abubuker and Sultan for 17 and 18 Respondents,
Mr. V. S. Nadarajah for 14, 27—30 Respondents.
(1) Deficiency -/50 cts. due from M. M. Sultan.
(2) Deficiency Rs. 2/50 due from Mr. V. S. Nadarajah.
(3) *Vide* J. E. of 2-11-55.
(4) Notice on Administratrix-de-bonis served.
(5) Administratrix-de-bonis Chellammah W/O Phillip 20 absent.
(6) Forward papers to Registrar, S. C. for taxation.

Recover deficiencies without delay.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

S. C. Bill and receipt.
received.

(Sgd.) M. M. Sultan,
Proctor.

23-11-55.



23-11-55. *Vide* J. E. of 22-11-55 refund application for Rs. 200/- issued to Mr. S. Sivagnanam, Proctor. (Intd.) No. 1 Journal Entries 20-1-41 to 15-8-58 —continued.

23-11-55. Mr. S. Sivagnanam for 4—11, 20—26 & 31—34th Respondents files list of witnesses and documents of his clients, and moves to cite the V. H. H. of Changanai and Sandilipay as they are material witnesses.

Cite on deposit of batta.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

10

25-11-55. Summons on 1—3 witnesses issued through F. M. Mallagam.

Summons on 1-7 witnesses issued through Fiscal N. P. Jaffna.

(Intd.)
25-11-55.

29-11-55. Administratrix list of witnesses and document filed.

(Intd.)
29-11-55.

Cite 1 witness through F. M. Kayts.

Cite 2 witnesses through Fiscal N. P. Jaffna.

20

(Intd.)
29-11-55.

30-11-55. Bond dated 24-6-55 received back duly registered and filed of record.

(Intd.)

6-12-55. Administratrix-de-bonis-non's additional list of witnesses filed and 3 witnesses cited through Fiscal, N. P. Jaffna.

(Intd.)

Respondent addl. list of witnesses filed.

Cited 1 through Fiscal N. P. Jaffna.

30

(Intd.)
6-12-55,

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

List of w/ss and documents of 17th and 18th Respondent filed.

(Intd.)

7-12-55. List of witnesses and Documents of 14, 27, 28, and 29 respondents filed.

(Intd.)

8-12-55. Administratrix *de bonis non's* addl. list of documents filed.

(Intd.)

9-12-55. Addl. list of witnesses of respondents filed.

Administratrix *de bonis non's* addl. list of witnesses filed 10 and cites 1 witness through Fiscal N. P. Jaffna.

(Intd.)

Inquiry

12-12-55. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11, & 20—26 Respondents pt.
M/s. Abubucker and Sultan for 17 & 18 Respondents pt.
Mr. V. S. Nadarajah for 14, 27—30 Respondents pt.

V. Proceedings. It is 4 p.m.

Inquiry adjourned for 13-12-55.

(Sgd.) P. SRI SKANDAJAH, 20
D. J.

Inquiry (Continued)

13-12-55. Mr. C. C. Somasegaram for Administratrix-*de bonis* pt.
Mr. S. Sivagnanam for 4—11 & 20—26 respdts pt.
M/s. Abubucker & Sultan for 17 & 18 Respondents. abst.
Mr. V. S. Nadarajah for 14, 27—30 Respondents pt.

V. proceedings.

V. order dictated.

Inquiry postponed for 10-1-56, 12-1-56 & 13-1-56.

No. 1
Journal
Entries in
20-1-41 to
15-8-58
—continued.

(Sgd.) P. SRI SKANDARAJAH.

D. J.

13-12-55

- 13-12-55. Requisition for Rs. 10/- issued in favour of Mr. V: Balasingam of Green Hospital, Manipay.
(Intd.)
12-13-55.
- 1013-12-55. Requisition for Rs. 10/- issued in favour of D. S. O. Mills.
(Intd.)
- 13-12-55. 17th & 18th Respondent's addl. list of witnesses filed.
(Intd.)
- 19-12-55. Addl. List of witnesses of 4-11, 20-26, 31 to 34th Respondents filed.
(Intd.)
- 21-12-55. Administratrix addl. list of witnesses filed.
(Intd.)
21-12-55.
- 20 Summons on 4 Respondent's witnesses issued through Fiscal, N. P. Jaffna.
Summons on 2 Administratrix witnesses issued through Fiscal, N. P. Jaffna.
(Intd.)
21-12-55.
- 23-12-55. Addl. list of witnesses of the 4th to 11th, 20th to 26th and 31st to 34th Respondents filed.
(Intd.)
- 30 30-12-55. Addl. list of witnesses of respondents filed & cited through Fiscal, N. P. Jaffna.
(Intd.)
30-12-55.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

Summons on 3 witnesses issued through Fiscal, N. P. Jaffna.

(Intd.)
30-12-55.

Inquiry (Continued)

10-1-56. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11 & 20—26 respondents pt.
M/s. Abubucker & Sultan for 17 & 18 Respondents. absent.
Mr. V. S. Nadarajah for 14, 27—30 respondents pt.

Vide further proceedings.

It is 3.32 p.m. now. 10

Trial adjourned for 12-1-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
10-1-56.

Inquiry (Continued)

12-1-56. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11, 20—26 respondents pt.
M/s. Abubucker and Sultan for 17 & 18 Respondents abst.
Mr. V. S. Nadarajah for 14, 27—30 respondents pt.

Vide further proceedings. 20

It is 3.57 p.m.

Trial adjourned 20-1-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
12-1-56.

13-1-56. Ss on 3 witnesses issued through Fiscal N. P. Jaffna.

(Intd.)
13-1-56.

██████████
Trial (2)

No. 1
Journal
Entries in
20-1-41 to
15-8-58
—continued.

- 20-1-56. Mr. C. C. Somosegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11, 20—26 the Respondents pt.
M/s. Abubuker & Sultan for 17 & 18 Respondents pt.

Vide Further proceedings.

Trial adjourned for 8-2-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
20-1-56.

- 10 25-1-56. Ss on 1 witness of 4—11 Respondents issued through
F. M. Mallakam.

(Intd.)
25-1-56.

- 25-1-56. Reqn. for Rs. 5/- issued in favour of Dr. C. Thamotheram-
pillai.

(Intd.)
25-1-56.

Trial (3)

- 8-2-56. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
20 Mr. S. Sivagnanam for 4—11, 20—26 respondents pt.
M/s. Abubucker & Sultan for 17 & 18 respondents absent.
Mr. V. S. Nadarajah for 14, 27—33 respondents pt.

Vide proceedings. Counsel address Court.

Mr. Vannisasingham is unable to be present in Court in
the afternoon.

By consent, further hearing on 17-2-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.,
8-2-56,

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

8-2-56. Proceedings submitted for signature
(Intd.) 8-2-56.

Trial (4) Further hearing

17-2-56. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11, 20—26 Respondents.
M/s. Abubucker & Sultan for 17 & 18 Respondents abst.
Mr. V. S. Nadarajah for 14, 27—30 Respondents. pt.
Appearances as before.
Mr. Vanniasingham addresses Court. 10
C. A. V. Judgment on 16-3-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
17-2-56.

17-2-56. (1) Proceeding submitted for Signature please.
(Intd.) 17-2-56.

18-2-56. Proctor for 14th, 27th—30th respondents files 14R—14R4.
Proctor for Administratrix *de bonis non* files A1—A18.
Proctor for 32nd respondent files 32R1—32R3. 20
Proctor for 4th respondent files 4R1—4R32 (In Vol. 2).
(Intd.)

16-3-56. Mr. C. C. Somasegaram for Administratrix *de bonis* pt.
Mr. S. Sivagnanam for 4—11, 20—26r espondents absent.
M/s. Abubucker & Sultan for 17 & 18 respondents pt.
Mr. V. S. Nadarajah for 14, 27—30 respondents absent,
(1) *Vide* J. E. of 17-2-56,



(2) Judgment. not ready.

Judgment on 28-3-56.

(Sgd.) P. SRI SKANDARAJAH,

D. J.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

28-3-56. (1) *Vide* J. E. above.

(2) Judgment delivered in open Court in the presence of the respondents & proctors, Messrs Somasegaram and V. S. Nadarjah accounts on 30-4-56.

(Sgd.) P. SRI SKANDARAJAH,

D. J.

10

12-4-56. Proctor for 4—11, 20—26 & 31 to 34 respondents files Petition of Appeal against the order of this Court dated 28-3-56, together with notice of tendering security and moves for notice on the respondents and their Proctors.

He further tenders stamps to the value of Rs. 45/- for the S. C. decree and Rs. 17/- for certificate in appeal.

(1) Accept.

(2) Issue notice for 25-4-56.

(Intd.)

A. D. J.

20

12-4-56. Notices on 1, 3, 6, 7, 8, 9 & 10 respondents and their proctors issued through Fiscal, N. P. Jaffna.

Notices on 4 & 5 to F. M. Mallakam.

„ 2 F. M. Kayts.

(Intd.)

19-4-56. Proctor for 14, 28, 29 & 30th respondents files petition of appeal against the order of the Court dated 28-3-56 & tenders stamps to the value of Rs. 45/- for S. C. order and Rs. 17/- for certificate in appeal.

30

He also files notices of tendering security and moves for notice on 1, 10th, 11th, 12th, & 13th respondents and on Proctors for 1st & 11th & 12th respondents.

He further files consent of the 2nd to 9th, 14th to 23rd respondents together with the consent of their Proctor to dispense with security.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

(1) Accept.

(2) Issue notice of security on respondents 1st, 10, 11, 12 & 13 respondents and on Proctors for 1st & 17 & 12 respondents for 25-4-56.

(Intd.) N. S.
A. D. J.

19-4-56. Notice issued on 1, 10, 11, 12 & 13 respondents & Messrs. C. C. Somasegaram, M. M. Sultan, Proctors.

23-4-56. Proctor for 1-18 appellants files consent papers of Messrs. V. S. Nadarajah Proctor for 2, 7, 8, 9 & 10 respondents and 10 Mr. Sultan, Proctor for 4 & 5 respondents dispensing with the security for costs of appeal.

Mention on 25-4.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

Eodie.

Mr. V. S. Nadarajah, Proctor for 1-5 appellants filed consent paper of Mr. N. M. Sultan, Proctor for 11 & 12 respondents, dispensing with security for costs of appeal.

Mention on 25-4.

(Sgd.)
D. J.

20

25-4-56. Mr. C. C. Somasegaram for Administratrix *de bonis non* present.

Mr. S. Sivagnanam for 4-11, 20-26th Respondents present.

Messrs. Abubucker and Sultan for 17 and 18th Respondents-absent.

Mr. V. S. Nadarajah for 14, 27 to 30 respondents-absent.

Notice of tendering security served on Proctor Messrs. Sultan, V. S. Nadarajah and C. C. Somasegaram and 1 and 30 3rd respondents. 2, 8, 9, & 10, & 4 & 5 respondents. They are absent.

No return to notice on 6 & 7 respondents.

Re 1st appeal await and reissue for 30-4-56 6th respondent,

(2) Notices on Messrs. C. C. Somasegaram and Sultan and 1,
10 & 13 respondents. re 2nd appeal served.

They are absent.

No. 1
Journal
Entries in
20-1-41 to
15-8-58
—continued.

No return on 11 and 12th respondent.

Await and reissue for 30-4-56.

13th Respondent-present.

Journal Entry of 23-4-56 to be mentioned.

Security is fixed in Rs. 250/- cash or Rs. 500/- land to the
Administratrix by each set of appellants.

Security in Rs. 25/- to each of the unrepresented Respondents.

10

(Sgd.) P. SRI SKANDARAJAH,
D. J.

Notice on 6, 7, 11 & 12th not reissued and return.

Since received served on 6 & 7 11 & 12 respondents.

(Intd.)
25-4

25-4-56. Proctor for 4—11, 20—26 & 31 to 34 appellants files
minute of consent of 2nd & 7 to 10 respondents waiving
security for costs of appeal and service of notice of appeal and
move that the notice of appeal on them and security for costs
of appeal be dispensed with.

20

Allowed.

(Intd.) P. S.
D. J.

26-4 P. I. V. for Rs. 8/- cash issued to M/s. Sivagnanam and
Nadarajah Proctors.

26-4-56. Proctor for 4 to 11, 20 to 26, 31 to 34 respondents
appellants files security bond together with title deed, valua-
tion report and declaration and moves that the same be
accepted and returned for registration.

30

He further tenders notice of appeal and application for
typewritten copies. & moves that the said notices be issued on
1, 3 & 6 respondents and on M/s. C. C. Somasegaram and
M. M. Sultan Proctors.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

- (1) Accept and return it for Registration for 11-6.
- (2) Issue notice of appeal on Proctors and on 1, 3 & 6 for 11-6-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

Notices issued on 1, 3, & 6 and
Messrs. Somasegaram and Sultan to
Fiscal N. P.

(Intd.)
26-4

10

Eodie.

Proctor for 14, 27 to 30th respondent appellants files security Bond with Titles deed, Valuation report and Declaration and moves that the same be accepted and returned for Registration.

He further tenders notice of appeal application for typewritten copies and moves for notices on 1, 10 & 13 Respondents & on Messrs. C. C. Somasegaram & M. M. Sultan Proctors.

- (1) Accept Bond & Return it for Registration for 11-6-56. 20
- (2) Issue notices of appeal on 1, 10 & 13 respondents and Messrs. C. C. Somasegaram and M. M. Sultan Proctor for 11-6-56.

(Sgd.) P. SRI SKANDARAJAH,
D. J.

Notices. of appeal issued
on 1, 10, & 13
Proctors Messrs Somasegaram and
Sultan to Fiscal N. P.

(Intd.)

30

30-4-56.

Mr. C. C. Somasegaram for Administratrix de bonis.

Mr. S. Sivagnanam for 4—11, 24—26th Respondents.

M/s. Abubucker & Sultan for 17 & 18 Respondents.

Mr. V. S. Nadarajah for 14, 27—30 respondents.

- (1) *Vide* J. E. of 28-3-56.

(2) Account due to be filed after the appeal is decided. No. 1
Journal
Entries
20-1-41 to
15-8-58
D. J. —continued.

(Sgd.) P. SRI SKANDARAJAH,

D. J. —continued.

30-4 Received security bond No. 1917.

(Sgd.) S. Sivagnanam,
Proctor.

30-4 Received Security Bond for Registration and Return.

(Sgd.) V. S. Nadarajah.

10 8-5-56. Proctors for 17th and 18th Respondents Petitioners file objections of the 17th and 18th Respondents. Petitioners in terms of section 772 of the C. P. C. and moves that these objections be forwarded to the Supreme Court along with the appeal to enable the Counsel for the 17th & 18th respondents Petitioners to urge the matters mentioned in the said objections at the time of hearing the appeal.

20 They state that notice of these objections has been given to the Proctors for 2 to 10 & 13th to 26th respondents (minutes of consent filed) and also notice and copy of objections have been sent to the respondent Chellamma's Proctor Mr. C. C. Somasegaram and to the 11th & 12th Respondents Ramasamy and Kannakai alias Rebecca by registered post.

Forward.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
8-5-56.

10-5-56. Proctor for 4-11 to 20-26 & 31 to 34 respondents appellants files Security Bond No. 1917 of 25-4-56 duly registered.

30

File.

(Intd.)
D. J.

11-5-56. Return filed.

(Intd.)

11-6-56. Mr. C. C. Somasegaram for Administratrix *de bonis*.

Mr. S. Sivagnanam for 4—11, 20—26 Respondents,

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

M/s. Abubucker & Sultan for 17 & 18th Respondents.

Mr. V. S. Nadarajah for 14, 27—30 respondents.

- (1) *Vide* J. E. E. of 26-4-56.
- (2) Notices of appeal on 1, 3, 6, 10, & 13 respondents and on Proctors.

Messrs. Somasegaram Sultan served.

- (3) They are absent,

Proctors for Administratrix, Mr. Somasegaram is present.

Forward record to S. C. in due course.

(Intd.) T. M. 10
A. D. J.

20-6-56. The 17th & 18th Respondents move for a notice on the Administratrix to show cause why the sums of money recovered in C. R. Jaffna Cases 712 & 713 and D. C. Jaffna L/241 be not deposited to the credit of this cause pending the result of the appeal in this Case.

Move through Proctor on record.

(Intd.) P. S.
D. J.

24-7-56. Mr. C. C. Somasegaram for Administratrix *de bonis*. 20

Mr. V. S. Nadarajah for 14, 27—30 Respondents.

- (1) Document marked 14R4 filed in this case is not correct.
- (2) *Vide* letter sent to proctor for 14th Respondent.
- (3) Mr. Adv. Yoganathan instructed by Mr. V. S. Nadarajah states that the connected document has been produced.

(Sgd.) P. SRI SKANDARAJAH,
D. J.
24-7-56.80

19-5-58. Record (*Volumes 1-5*) received back from Registrar, ^{No. 1} Supreme Court with S. C. Judgment allowing the appeals of ^{Journal} the 14, 27, 28, 29 and 30th and 4 to 11, 20th to 26th and 31st ^{Entries} to 34th Respondents Appellants. ^{20-1-41 to} ¹⁵⁻⁸⁻⁵⁸
—continued

Costs in both Courts to be paid by the Administrator *de bonis non* personally.

(1) Note in appeal Register.

(2) Draw the attention of the Proctors for the parties.

(3) Call on 27-5-58.

10

(Intd.)
D. J.

27-5-58. Mr. C. C. Somasegaram for Administratrix *de bonis non*-pt.

Mr. S. Sivagnanam for 4—11, 20—26th Respondents pt.

M/s. Abubucker & Sultan for 17th & 18th Respondents pt.

Mr. V. S. Nadarajah for 14 & 27-30th Respondents pt.

1. *Vide* J. E. of 19-5-58.

2. Case called.

Call on 14-7-58.

20

(Intd.)
D. J.

11-7-58. As both appeals preferred in this Case had been allowed and consequently the 4—11 Respondents 20—26 Respondents and 31—34 Respondents. 14—27, 28 and 29th Respondents have proved that their heirship and are entitled to division of property left behind by the deceased Kanthar whose estate is administered in this case Proctor for 4 to 11, 20 to 26th and 31—34th Respondents do hereby moves that the Administratrix *de bonis non* be ordered and directed by Court to file proper accounts so that accounts may be judicially settled in terms of the petition and affidavit of 22nd Respondent filed on 25-7-55 and the order of the Supreme Court.

30

Call on 14-7-58.

(Intd.)
D. J.

No. 1
Journal
Entries
20-1-41 to
15-8-58
—continued.

14-7-58. Mr. C. C. Somasegaram for Administratrix de bonis non present.

Mr. S. Sivagnanam for 4-11, 20-26th Respondents present.

M/s. Abubucker and Sultan lor 17 & 18th Respondents.

Mr. V. S. Nadarajah for 14, 27-30th Responpents.

Case Called-*Vide*-J. E. of 27-5-58 & 11-7-58.

Call on 11-8-58.

(Intd.)

D. J. 10

11-8-58. 1. *Vide* J. E. of 14-7-58.

2. Case Called.

Proctor states that Final Leave to Appeal to the Privy Council has been allowed.

Call on 17-11-58.

(Intd.)

D. J.,

15-9-58. Registrar, Supreme Court requests to forward the record immediately as an application for Final Leave to appeal to the Privy Council has been allowed. 20

(1) Forward.

(2) Open sub-file.

(Intd.)

D. J.



No 2.

No. 2
English
Translation
of the
writing by
K. Kanthar
deceased
18-5-38

English Translation of the writing by K. Kanthar,
deceased.

TRANSLATED FROM TAMIL.

I, Kanapathy Kanthar of Karaiyoor, appoint my adopted son Sebasthy Aiyathurai assigning unto him full power to the instrument herein, entitling that all my properties, money and other things that devolve on him after me.

10

18-5-38.

(Sgd.) K. KANTHAR.

(Sgd.) R. Rasarathurai.

„ K. Kandiah.

„ C. Anthony.....Torn

„ K. Valathi.....

„Torn.....

Translated by me :

C. Pathanjeli,

Sworn Translator,

20

31-5-1038.

No. 3
Affidavit
of Rasiah
Rasaratnam
and four
others
29-5-28

No. 3.

Affidavit of Rasiah Rasaratnam and four others.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the late Kanapathy Kanthar of Karaiyoor late of Manipay Hospital, Jaffna.

Deceased.

**Testamentary
Jurisdiction.**

We Rasiah Rasaratnam, Kanapathy Kandiah, Pedru Anthonipillai, Thaveethu Valautheesar and Manuel Gnana-10 piragasam of Jaffna do hereby make oath and say as follows :—

We were personally present at Jaffna Town in the house of the abovenamed deceased on the 18th day of May, 1933 and saw the said Kanapathy Kanthar of Jaffna Town subscr (torn) name to the writing dated the said 18th day of May, 193... (torn) duced and shown to us and publish and declare the same to be his last will and testament of the of the abovenamed deceased (torn) and that in testimony thereof and in the presence of (torn) the said Testator 20 subscribed his name to the said writing and we also subscribed our names thereto as witnesses and that the name க. கந்தர் subscribed to the said writing is of the hand writing of the said Kanapathy Kanthar and that the names நா. ராசரெட்டினம், க. கந்தையா, பே. அந்தோணிப்பிள்ளை, தா. வல்லத்தீசார், ப. ஞானப்பிரகாசம் also subscribed arc respectively of our hand writing.

And we further say and make oath that the said Kanapathy Kanthar of Jaffna Town at the time of so setting his signature to the writing as we verily believe of 30 sound mind, memory and understanding.

(Sgd.) In Tamil
R. Rasaratnam.

(Sgd.) In Tamil
K. Kandiah.

(Sgd.) In Tamil
P. Anthonipillai.

(Sgd.) In Tamil
T. Valautheesar.

(Sgd.) In Tamil
M. Guanapiragasam.

No. 3
Affidavit
of Rasiah
Rasaratnam
and four
others
29-5-38
—continued.

10 This was read over and explained by me to the
deponent who appeared to understand the same perfectly
and they set their signatures hereto and sworn to the truth
and correctness hereof at Jaffna this 29th day of May, 1938.

Before me :

(Sgd.)
C. O.

Drawn by :

(Sgd.)
Proctor for Petitioner.

No. 4.

Affidavit of Soosai Sebastian Aiyadurai annexed to the
Petition.

No. 4
Affidavit
of Soosai
Sebastian
Aiyadurai
annexed to
the Petition
30-5-38

20 IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna Town.

Deceased.

Testy. No. 605.

Soosai Sebastian Aiyadurai of Jaffna Town.

Petitioner.

Vs.

Arokkiam, widow of Sebastian of Jaffna Town.

Respondent.

No. 4
Affidavit
of Soosai
Sebastian
Aiyadurai
annexed to
the Petition
30-5-88
—continued.

I, Soosai Sebastian Aiyadurai of Jaffna Town the abovenamed petitioner do hereby make oath and say as follows :—

The abovenamed deceased Kanapathy Kanthar of Jaffna Town lived at Jaffna Town within the jurisdiction of this Court and died on the 19th day of May, 1938 at Manipay Hospital leaving behind a last will and leaving behind property within the jurisdiction of this Court of the nature and value given in the schedule hereto annexed.

2. That the abovenamed deceased duly executed his 10 last will and testament on the 18th day of May, 1938 whereby he devised and bequeathed all his property moveable and immoveable to me and appointed me as his executor thereof.

3. That the said testator deposited the said will in my custody and I have deposited the said last will in the District Court of Jaffna.

4. That if not for the said last will the heirs of the said deceased would be my mother the abovenamed respondent. 20

5. That I apply for probate of the said last will and testament of the abovenamed deceased as the executor mentioned in the said will.

6. That I further states that the movables are in the house of the deceased and the key is with one Arumugam that the Secretary may be ordered to go to the spot and take his inventory of the movables.

Schedule.

			Rs.	cts.
1.	Iron Safe 1	-	150	00 80
2.	Big Almyrah 1	-	50	00
3.	Small Almyrah 1	-	40	00
4.	Box 2	-	45	00
5.	Almyrah 2	-	60	00
6.	Table 1	-	5	00
7.	Chairs 6	-	20	00
8.	Bench 1	-	5	00
9.	Cot 1	-	15	00
10.	Medical Bottles big ones 10	-	30	00
11.	Other Bottles 100	-	20	00

			Rs.	cts.	No. 4 Affidavit of Soosai Sebastian Aiyadurai annexed to the Petition 30-5-38 —continued.
	12. Medicines	-	200	00	
	13. Cooking Brass Vessels 4	-	8	00	
	14. Aluminium Tiffin Carrier	-	3	00	
	15. Gold Medical Chest	-	75	00	
	16. Grinding Stones 3	-	20	00	
	17. Motor Stones 2	-	10	00	
	18. Iron Pounding Rods	-	3	00	
	19. Gold Ring with Blue 1	-	150	00	
10	20. Gold Sovereigns	-	223	00	
	21. Medical Books and Edus.	-	100	00	
	22. Small Motors	-	8	00	
	23. Cash	-	3200	00	
	24. Clock 1	-	25	00	
	25. Easy Chairs 4	-	10	00	
	26. Amount due on a promissory note from Mariampillai of Jaffna rest house		750	00	
	27. Amount due from Swakkeen Santhia of Koyyathoddam on a promissory note		350	00	
20	28. Amount due from V. Arumugam and wife, of Jaffna on a promissory note		1000	00	
	29. Amount due from Saviriam Vaity of Kayts on a promissory note		600	00	
	30. Amount due from Soosaipillai and wife, of Jaffna				
	31. Amount due on mortgage bonds from the following persons.				
	From V. Kumaraswamy and wife, of Chundikuly		1000	00	
80	32. N. Anthirseu and wife of Eachchmoddai		1500	00	
	33. From V. Somasundaram of Van East		1000	00	
	34. S. Soosaipillai and wife, of Karaiyoor		1500	00	
	35. K. Alfred and wife, of Chundikuly		500	00	
	36. N. Sinnathurai and wife, of Chundikuly		500	00	
	37. Saravanai Ramalingam of do.		1500	00	
	38. Thambimuttu Rasiah of do.		1500	00	
	39. Paranandu Jacob and wife, of do.		1500	00	
	40. Bastiampillai Manuelpillai of do.		850	00	
	41. Bastiampillai Manuelpillai of do.		245	00	
	42. S. Appakuddy Thambiah of do.		2000	00	

No. 4
Affidavit
of Soosai
Sebastian
Aiyadurai
annexed to
the Petition
30-5-38
—continued.

	Rs.	cts.
43. Yovan Soosaipillai and Sebathu of Karaiyoor	1100	00
44. Cocilia, widow of Manuelpillai	350	00
45. S. Manuelpillai and wife	2100	00
46. N. Kavurial and others	250	00
47. V. M. Anthonipillai of Jaffna Town	500	00
48. N. Anthonipillai of Karaiyoor	1500	00
49. Ambrose Thambiah	1000	00
50. T. M. Antony of Karaiyoor	2000	00
51. M. Rasenthiram Moopar	2500	00 ¹⁰
52. Savirimuttu Michael and wife	1150	00
53. S James	750	00
54. Soosaipillai District Court of Jaffna	2000	00
55. And five other loans amounting to	6750	00
All the bonds are with interest @ 9 and 12 per cent respectively.		
56. Land situated at Karaiyoor called Santhi- ravan tharai in two lots adjoining each other	400	00
57. All that piece of land situated at Maddu- vilandu in Ponnakary in extent 36 acres	720	00 ²⁰
58. Land at Karaiyoor called Poothansudu- kaddu pulam worth	1400	00
59. Land at Chundikuly called Koyyathoddam in extent about 4 lms.	800	00
60. Land at Vannarponnai East called Uvaiyady with six boutiques	10400	00
61. Amonnt due from Mr. K. V. Sinnathurai	300	00
Total	56740	00

This was read over and explained by me to the³⁰
deponent who appeared to understand the same perfectly
and he set his signature hereto and sworn to at Jaffna this
30th day of May, 1938.

(Sgd.) S. S. Aiyadurai.

Before me :

(Sgd.)
C. O.

Drawn by me :

M. ASAIPILLAI,
Proctor.

No. 5.

No. 5
Petition of
Soosai
Sebastian
Aiyadurai
31-5-38

Petition of Soosai Sebastian Aiyadurai.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna Town.

Deceased.

Soosai Sebastian Aiyadurai of Jaffna Town.

Petitioner.

No. 605 Testy.

Vs.

10

Arokkiam, widow of Sebastian of Jaffna Town.

Respondent.

This 31st day of May, 1938.

The petition of the petitioner abovenamed appearing
by Mr. M. Asaipillai, his Proctor, states as follows :—

20

1. The abovenamed deceased (torn)
at Jaffna within the jurisdiction of this Court and (torn)
hospital (torn)
of this Court on 19 May, 1938 leaving behind a last will and
leaving behind property within the jurisdiction of this Court
of the nature and value given in the schedule hereto
annexed.

2. That the abovenamed deceased duly executed his
his last will and testament on the 18th day of May, 1938
whereby he devised and bequeathed all his property
movable and immovable to the petitioner and appointed
him as his executor thereof.

30

3. That the said testator deposited the said will in
the custody of the petitioner and he has deposited the same
in the District Court of Jaffna (torn)
and the same is annexed herewith with its translation.

4. That if not for the said will the heirs of the
deceased would be petitioner's mother the abovenamed
respondent.

No. 5
Petition of
Soosai
Sebastian
Aiyadurai
31-5-38
—continued.

5. That the petitioner applies for probate of the last will and testament of the abovenamed deceased as his executor thereof.

6. The petitioner further states that the movables are in the house of the deceased and the key is with one (torn) that the Secretary may be ordered to go the spot and take an inventory of the movables.

7. That an affidavit of the petitioner dated 30th May, 1938 verifying the above facts filed herewith.

Wherefore the petitioner prays.

10

(a) That the petitioner be declared entitled to have probate of the last will and testament of the abovenamed deceased as executor thereof and directing that probate be issued to him accordingly.

(b) That the commission be issued to the Secretary of the District Court of Jaffna to take an inventory of the movables that are lying in the house of the deceased. For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) M. ASAIPILLAI, 20

Proctor for Petitioner.

Schedule.

			Rs.	cts.
1.	Iron Safe 1	-	150	00
2.	Big Almyrah 1	-	50	00
3.	Small Almyrah 1	-	40	00
4.	Box 2	-	45	00
5.	Almyrah 2	-	60	00
6.	Table 1	-	5	00
7.	Chairs 6	-	20	00 30
8.	Bench 1	-	5	00
9.	Cot 1	-	15	00
10.	Medical Bottles big ones 10	-	30	00
11.	Other Bottles 100	-	20	00
12.	Medicines	-	200	00
13.	Cooking Brass Vessels 4	-	4	00
14.	Aluminium Tiffin Carrier	-	3	00
15.	Gold Medical Chest	-	15	00
16.	Grinding Stones 3	-	20	00

			Rs.	cts.	No. 5 Petition of Soosai Sebastian Aiyadurai 31-5-38 — <i>continued</i> .
	17.	Motor Stones 2	-	-	10 00
	18.	Iron Pounding Rods	-	-	3 00
	19.	Gold Ring with Blue	-	-	150 00
	20.	Gold Sovereigns	-	-	223 00
	21.	Medical Books and Edus	-	-	100 00
	22.	Small Motor	-	-	8 00
	23.	Cash	-	-	3200 00
	24.	Clock 1	-	-	25 00
10	25.	Easy Chairs 4	-	-	10 00
	26.	Amount due on a promissory note from Mariampillai of Jaffna Rest House			750 00
	27.	Amount due from Swakkon Saethia of Koyathoddam on a promissory note			350 00
	28.	Amount due from V. Arumugam and wife of Jaffna on a promissory note			1000 00
	29.	Amount due from Savirina Vaity of Kayts on a promissory note			600 00
20	30.	Amount due from Soosaipillai and wife, of Jaffna			
	31.	Amount due on mortgage bonds from the following persons.			
		From V. Kumaraswamy and wife, of Chundikuly			1000 00
	32.	N. Anthirson and wife, of Eachchmoddai			1500 00
	33.	From V. Somasundaram of Van East			1000 00
	34.	S. Soosaipillai and wife of Karaiyoor			1500 00
	35.	K. Alfred and wife, of Chundikuly			500 00
	36.	N. Sinnathurai and wife, of Chundikuly			500 00
30	37.	Saravanai Ramalingam of do.			1500 00
	38.	Thambimuttu Rasiah of do.			1500 00
	39.	Paranandu Jacob and wife, of do.			1500 00
	40.	Bastiampillai Manuelpillai of do.			850 00
	41.	Bastiampillai Manuelpillai of do.			245 00
	42.	S. Appakuddy Thambiah of do			200 00
	43.	Yovan Soosaipillai and Sebathu of Karaiyoor			1100 00
	44.	Cocilin, widow of Manuelpillai			350 00
	45.	S. Manuelpillai and wife			2100 00
40	46.	N. Kavurial and others			250 00
	47.	V. M. Anthonipillai of Jaffna Town			500 00

No. 5
Petition of
Soosai
Sebastian
Aiyadurai
31-5-38
—continued.

48.	N. Anthonipillai of Karaiyoor	1500	00
49.	Ambrose Thambiah	1000	00
50.	T. M. Antony of Karaiyoor	2000	00
51.	M. Rasenthiram Moopar	2500	00
52.	Savirimuttu Michael and wife	1150	00
53.	S. James	750	00
54.	Soosaipillai District Court of Jaffna	2000	00
55.	And five other loans amounting to	6750	00
	All the bonds are with interest @ 9 and 12 per cent respectively.		10
56.	Land situated at Karaiyoor called Santhi- ravan tharai in two lots adjoining each other	400	00
57.	All that piece of land situated at Maddu- vilandu in Poonakary in extent 36 acres	720	00
58.	Land at Karaiyoor called Poothansudu- kaddu pulam worth	1400	00
59.	Land at Chundikuly ealled Koyayathoddam in extent about 2 lms.	800	00
60.	Land at Vannarponnai East called Unaiyady with six boutiques	10400	00
61.	Amount due from Mr. K. V. Sinnathurai	300	00 20
	Total	56740	00

(Sgd.) M. ASAIPILLAI,
Proctor for Petitioner.

No. 6.

No. 6
Petition of
Elaiavy
Arumugam
28-7-38

Petition of Elaiavy Arumugam.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
No. 605
Jurisdiction.In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna Town.*Deceased.*

10 Soosai Sebastian Aiyadurai of Jaffna Town.

*Petitioner.**Vs.*

Arokiam widow of Sebastian of Jaffna Town.

Respondent.

Elaiavy Arumugam of Karaiyoor.

Added-Respondent.

On this 28th day of July, 1938.

20 The petition of the added-respondent abovenamed by
way of objection to the application for probate by the
petitioner appearing by his Proctor, C. C. Somasegaram
states as follows :—

1. This added-respondent states that the abovenamed
deceased lived at Jaffna within the jurisdiction of this
Court and died intestate and issueless at the Manipay
Hospital within the jurisdiction of this Court on the 19th
day of May, 1938.

2. This added-respondent denies that the deceased
left behind any last will bequeathing his property to the
petitioner or any other person.

30 3. The alleged Last Will purported to have be execu-
ted by the deceased and produced by the petitioner is not
the act and deed of the said deceased and the alleged signa-
ture on the said document is a forgery.

No. 6
Petition of
Elaiavy
Arumugam
28-7-38
—continued.

4. This added-respondent is the son of the maternal uncle of the deceased and he is the sole heir and next of his kin of the deceased and as such heir he is entitled to the entirety of the estate of the said deceased and is entitled to administer same.

5. To the best of the respondent's knowledge there is no other person who is interested in the said estate and the property left behind by the deceased is given in the schedule hereto annexed.

Wherefore this added-respondent prays :— 10

(a) That the petitioner's application be dismissed with costs.

(b) That this added-respondent be granted Letters of Administration to the estate of the said deceased.

(c) For costs of administration.

(d) And for such other and further relief as to this Court shall seem meet.

(Sgd.) C. C. SOMASEGARAM,
Proctor for Added-Respondent.

Schedule of Property referred to above. 20

MOVABLES.	Furniture and other articles and rent and amount			
	due on a note	..	..	891 00
	Monies due on bonds	..	..	17251 60
IMMOVABLES.	..	..	..	25000 00
				43142 60
	Funeral expenses	..	..	700 00
	Nett value of the estate		..	42442 60

(Sgd.) C. C. SOMASEGARAM,
Proctor for Added-Respondent.

No. 7.

No. 7
Affidavit of
Elaiavy
Arumugam
28-7-38**Affidavit of Elaiavy Arumugam.**

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna Town.

Deceased.

Soosai Sebastian Aiyadurai of Jaffna Town.

*Petitioner.**Vs.*

Arokiam, widow of Sebastian of Jaffna Town.

Respondent.

Elaiavy Arumugam of Karaiyoor.

Added-Respondent.

I, Elaiavy Arumugam of Karaiyoor do hereby solemnly
sincerely and truly affirm and declare as follows :—

1. That the abovenamed deceased lived at Jaffna
within the jurisdiction of this Court and died intestate and
issueless at the Manipay Hospital within the jurisdiction
of this Court on the 19th day, 1938.

2. I deny that the deceased left behind any last will
bequeathing his property to the petitioner or any other
person.

3. The alleged last will purported to have been exe-
cuted by the deceased and produced by the petitioner is
not the act and deed of the said deceased and the alleged
signature on the said document is a forgery.

4. I am the son of the maternal uncle of the deceased
and I am the sole heir and next-of-kin of the deceased and
as such heir I am entitled to the entirety of the estate of
the said deceased and am entitled to administer the same.

No. 7
Affidavit of
Elaiavy
Arumugam
28-7-88
—continued.

5. To the best of my knowledge there is no other person who is interested in the said estate and the property left behind by the deceased is given in the schedule hereto annexed.

Schedule referred to above.

IMMOVABLES.	Rs.	ots.
1. All that piece of land called Santhiravantharai in extent 15 Kulies with house, etc., situated an Karaiyoor.	500	00
2. Land situated at do. called do. in extent 3 Lms. v. c.	2000	00 ¹⁰
3. Land situated at Chundikuly called Vilankulampulam in extent 5 Lms. v. c.	1000	00
4. Land situated at Karaiyoor called Thavasitharai in extent 15, 14/16 Kulies with house, boutique, etc.	2100	00
5. Land situated at do. called Santhiravantharai in extent 2 Lms. v. c. and 17, 3/4 Kls. with house, well, etc.	1000	00
6. All that piece of land called Uvayady in extent 28 Lms. v. c. and 13.4 Kulies situated at Vannarponnai East with 4 godowns, houses, well, etc.	15000	00 ²⁰
7. Land held by the said deceased on a conditional transfer and the vendors have paid the amount due on the said transfer, but the deceased has not yet re transferred the land called Muthalaikulampulam and Muthalaikulam Vayal in extent 4 Lms. v. c. and 13, 3/4 Kls. situated at Chundikuly.	1800	00 ³⁰
8. Dwelling house and compound situated at Karaiyoor in extent 2 Lms. v. c.	1500	00
9. All that allotment of land called Matarpallam in extent 10 acres, and 36 perches situated at Madduvilnadu in Poonakari, worth	100	00
	25000	00

MOVABLES.		Rs.	cts.	No. 7 Affidavit of Elaiavy Arumugam 28-7-38 —continued.
	1. Iron Safe	-	-	50 00
	2. Four Almirahs	-	-	100 00
	3. One Table	-	-	10 00
	4. Six Chairs	-	-	6 00
	5. Three Benches	-	-	2 50
	6. Bottles of Medicines	-	-	30 00
				<hr/>
				25198 00
				<hr/>
	Brought forward	-	-	25198 00
10	7. Brass Utensils	-	-	15 00
	8. One Gold Medicine Chest	-	-	20 00
	9. Six Grinding Stones and other such Utensils	-	-	30 00
	10. One Gold Ring	-	-	21 00
	11. Medical Books	-	-	20 00
	12. One St. Thomas Clock	-	-	10 00
	13. One Bed	-	-	8 00
	14. Six Easy Chairs	-	-	10 00
	15. Three Pictures	-	-	1 25
	16. One Sofa	-	-	1 00
20	17. Five Books and Chest	-	-	3 00
	18. Kitchen Utensils	-	-	8 00
	19. Amount due on a promissory note	-	-	246 00
	19(a) Rent due from Mr. K. V. Sinnadurai	-	-	300 00
				<hr/>
				25891 00
				<hr/>

AMOUNT DUE ON BONDS.

	20. Amount due from Thambimuttu Rasiah on bond No. 2743 of 27-1-36.	Rs.	cts.	
		1800	00	
30	Interest at 10 per cent till date of death	420	00	
				<hr/>
				2220 00
	21. Amount due from Vincent Mutiah Anthonipillai and wife Mary Anthonipillai on bond No. 18821 of 18-4-36. Principal	500	00	
	Interest at 12 per cent till date of death	125	00	
				<hr/>
				625 00

No. 7
Affidavit of
Elaiavy
Arumugam
28-7-38
—continued.

		Rs.	cts.
22.	Amount due from Vaitiampillai Samuel and wife Anthonipillai on bond No. 19426 of 18-10-37. Principal	200	00
	Interest at 12 per cent till date of death	14	00
		<hr/>	214 00
23.	Amount due from Raphiel Anthonipillai on bond No. 18975 of 10-9-36. Principal	1500	00
	Interest at 12 per cent till date of death	300	00
		<hr/>	1800 00
	Carried over	4859	00
	Brought forward	4859	00
24.	Amount due from Kanapathipillai Soosaipillai Sabapathy and wife Adaikkalamary Sinnapillai on bond No. 19483 of 20-12-37 principal	500	00
	Interest at 10 per cent till date of death	20	00
		<hr/>	520 00
25.	Amount due from Michael Arulanantham and wife Pirkasy on bond No. 19485 of 22-12-37. Principal	1500	00
	Interest at 10 per cent till date of death	62	00
		<hr/>	1562 00
26.	Amonnt due from Marypillai, daughter of Nicholas, on bond No. 19455 of 19-11-37. Principal	350	00
	Interest at 10 per cent till date of death	17	00
		<hr/>	367 50

		Rs.	cts.	
	27. Amount due from Saravanai Ramalingam on bond No. 2683 of 3-8-35. Principal	1500	00	
	Interest at 10 per cent till date of death	357	50	
		<hr/>		1657 50
10	28. Amount due from Cecelia, widow of Manuelpillai Chelliah on bond No. 17986 of 21-8-34. Principal	350	00	
	Interest at 12 per cent till date of death	131	25	
		<hr/>		481 25
	29. Amount due from Thomas Mariampillai Anthony and wife Anchaniapillai on bond No. 19302 of 8-7-37. Principal	2800	00	
	Interest at 10 per cent till date of death	235	00	
20		<hr/>		3035 00
	30. Amount due from Cathiravelu Soosaipillai and wife Francisca Annamuttu. Principal	1000	00	
	Interest at 10 per cent till date of death	183	70	
		<hr/>		1183 70
	31. Amount due from V. Sinniah and wife Sethupillai on bond No. 17105 of 28-11-32. Principal	1000	00	
30	Interest paid up to 7-5-38 at 9 per cent	Nil		
		<hr/>		1000 00
	32. Amount due from M. A. Rajendram on bond No. 2887 of 29-1-38. Principal	1350	00	
	Interest at 9 per cent till date of death	40	50	
		<hr/>		1390 50

No. 7
Affidavit of
Elaiayy
Arumugam
28-7-38
—continued.

No. 7
Affidavit of
Elaiavy
Arumugam
28-7-88
—continued.

33. Amount due on decree in case	Rs. cts.
No. 11751 D. C. Jaffna.	600 00
	<hr/>
Carried over	16656 95
Brought forward	16656 95
34. Amount due on decree in case	
No. 10698 D. C. Jaffna	594 75
	<hr/>
Total of movables---	17251 60
Immovables (and value of articles Rs. 891-/-)	25891 00
	<hr/>
	43142 60
Funeral expenses	700 00 10
	<hr/>
Nett value of estate	42442 60
	<hr/>

The contents of the foregoing affidavit were read over and explained by me to the deponent who appeared to understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna this 28th day of July, 1938.

(Sgd.) In Tamil

E. Arumugam.

Before me :

(Sgd.) Illegibly. 20
J. P.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,

Proctor for Added-Respondent.

No. 8.

No. 8
Order Nisi
Entered in
the District
Court
28-7-38

Order Nisi Entered in the District Court.

ORDER NISI.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will of the late Kanapathy
Kanthar of Jaffna Town.

Testy. No. 605.

Deceased.

Soosai Sebastian Aiyadurai of Jaffna.

10

*Petitioner.**Vs.*

1. Arokkaim, widow of Sebastian of Jaffna.
2. Elaiavy Arumugam of Jaffna.

Respondents.

20

This matter coming on for disposal before C. Coomaraswamy, Esquire District Judge, Jaffna, on the 1st day of June, 1938, in the presence of Mr. M. Asaipillai, Proctor, on part of the petitioner and the affidavit of the petitioner and of the witnesses to the last will having been read. It is ordered that the petitioner be declared entitled to have probate of the last will and testament of the abovenamed deceased as executor there of unless the respondents shall appear before this Court on the 28th day of July, 1938, and state objection or show cause to the contrary.

(Sgd.) C. COOMARASWAMY,

District Judge.

June, 1938.

Drawn by :

(Sgd.) M. ASAIPILLAI,

30

Proctor for Petitioner.

No 9.

**Affidavit of Senny, widow of Murugan
2nd Added-Respondent.**

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will of the late Kanapathy
Kanthar of Jaffna.

Deceased.

Testamentary

No. 605

Jurisdiction.

10

I, Sinnan, widow of Murugan of Sankanai do hereby
solemnly sincerely and truly affirm and declare as follows:—

(1) That the abovenamed deceased lived at Jaffna
within the jurisdiction of this Court and died intestate and
issueless at Manipay within the jurisdiction of this Court
on the 19th day of May, 1938.

(2) That I have every reason to believe that the
document produced in this case and alleged to be a will
left by the deceased is a forged one.

(3) That I am the daughter of the paternal uncle of 20
the deceased, and as such the sole heir to the estate left
behind by the said deceased.

(4) That I am not aware of any other person who is
entitled to any share left behind by the deceased.

(5) That I am not at present in a position to disclose
any property other than those mentioned in the petition
filed by the petitioner and the added-respondent, though I
am credibly informed that the deceased was possessed of
considerable property at the time of his death.

The contents of this affidavit were read over and ex-30
plained to the deponent who appeared perfectly to under-
stand the same and the deponent set her thumb impression
to this and affirmed to the truth and correctness hereof at
Chankanai this 9th day of August, 1938.

Hand mark of Senny, widow of Murugan.

Before me :

(Sgd.)
Justice of the Peace.

Drawn by :

(Sgd.) M. VYTHIALINGAM,
Proctor for Declarant.

40

No 10.

**Petition of Senny, widow of Murugan
2nd Added-Respondent.**

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the estate of the late Kanapathy
Kanthar of Jaffna.

Deceased.

Testamentary

No. 605

Jurisdiction.

10

Sinnan, widow of Murugan of Sankanai.

2nd Added-Respondent.

The 19th day of August, 1938.

The petition of the abovenamed 2nd added-respondent appearing by M. Vythialingam, her Proctor states as follows :—

(1) That the abovenamed deceased lived at Jaffna within the jurisdiction of this Court and died intestate and issueless at Manipay within the jurisdiction of this Court on the 19th day May, 1938.

20

(2) That the petitioner has every reason to believe that the document produced in this case and alleged to be a will made by the deceased is a forged one.

(3) That the petitioner is the daughter of paternal uncle of the deceased.

(4) That the petitioner is not aware of any other person who is entitled to any share left behind by the deceased.

30

(5) That the petitioner is not at present in a position to disclose any property other than those mentioned in the petitions filed though she is credibly informed that the deceased was possessed of considerable property at the time of his death.

Wherefore the petitioner prays that the document produced in this case and alleged to be the last will of the deceased be held to be a forged document and an *Order Nisi* be made declaring the status of the petitioner and issuing Letters of Administration to the petitioner and for costs and such other and further relief as to this Court shall seem meet.

40

(Sgd.) M. VYTHIALINGAM,
Proctor for Petitioner.

No. 10
Petition
of Senny
widow of
Arumugan
2nd added
respondent
19-8-38

No. 11
Affidavit
of Nannian
Vyravan
12-9-38

No. 11.

Affidavit of Nannian Vyravan.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the late Kanapathy Kanthar of Jaffna Town.

Deceased.

Testy. Case No. 605.

Soosai Sebastian Aiyadurai of Jaffna Town.

Petitioner.

Vs.

10

Arokiam, widow of Sebastian of Jaffna Town.

Respondent.

- | | | |
|--|--------------------------|----|
| (1) Elayavan Arumugam of Karaiyoor | <i>Added-Respondent.</i> | |
| (2) Chinnan, widow of Murugan of Chankanai | <i>do</i> | |
| (3) Nannian Sinnavan of Chankanai | <i>do</i> | |
| (4) Nannian Vyravan of Sandilappai | <i>do</i> | |
| (5) Velan Marimuttu | <i>do</i> | |
| (6) Velan Vythian | <i>do</i> | |
| (7) Muragar Ponnar and wife | <i>do</i> | |
| (8) Ledchumy of Chankanai | <i>do</i> | 20 |
| (9) Pathan Kanapathy and wife | <i>do</i> | |
| (10) Ponny of Sandilippai | <i>do</i> | |
| (11) Visuvan Kathiravelan and wife | <i>do</i> | |
| (12) Thangamuttu of Sandilippai | <i>do</i> | |

3rd to 12th Added-Respondents

I, Nannian Vyravan of Sandilippai do hereby solemnly and truly declare and affirm as follows—

1. That I am the 4th Added-Respondent abovenamed.

2. That the abovenamed deceased lived at Jaffna within the jurisdiction of this Court and died intestate and issueless at the Manipay Hospital within the jurisdiction of this Court on about the 19th day of May, 1938.



3. I deny that the deceased left behind any Last Will and Testament bequeathing his Estate or any part thereof to the Petitioner or any other person.

No. 11
Affidavit
of Nannian
Vyravan
12-9-38
—continued.

4. That the alleged Last Will purported to have been executed by the deceased and produced by the Petitioner is not the act and deed of the said deceased and the alleged signature on the said instrument is a forgery.

10

5. That the 3rd Added-Respondent and I are the Paternal Uncles of the deceased and that the 5th and 6th Added-Respondents are the children of the late Velon another Paternal Uncle of the deceased. The 8th, 10th and 12th Respondent are the children of the late Vally the Paternal Aunt of the deceased and 7th, 9th and 11th Added-Respondents are made parties since they are the husbands of the 8th, 10th and 12th Respondents respectively. The 3rd, 5th, 6th, 8th, 10th and 12th Respondents and I and Sinnappillai daughter of Sinnavan (a minor) are the sole heirs and next of kin of the deceased and as such we are entitled to the entirety of the Estate left behind by the said deceased.

20

6. I am a fit and proper person to administer the Estate of the said deceased.

7. To the best of my knowledge and belief there is no person other than the 3rd to 12th Added-Respondents and the said minor who is interested in the said Estate.

8. I am unable to furnish at present full particulars of the properties left behind by the deceased but have reason to believe that the Estate of the deceased is worth about Rs. 75,000-00.

30

The foregoing Affidavit was read over and explained by me to the within named Affirmant in Tamil his own language and he appears to understand the contents thereof. The same was duly signed and affirmed to at Chankalai on the 12th day September, 1938.

X

Left hand Mark of Vyravan.

Before me :

(Sgd.)
J. P.

40 Drawn by :

(Sgd.) S. SIVAGNANAM,
Proctor for 3rd to 12th Respondents.

No. 12.

Objections of 3rd to 12th Added-Respondents.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna Town.

Deceased.

Testy. No. 605.

Soosai Sebastian Aiyadurai of Jaffna Town.

Petitioner.

Vs.

10

Arokiam, widow of Sebastian of Jaffna Town.

Respondent.

- | | | | |
|------|--|--------------------------|----|
| (1) | Elayavan Arumugam of Karaiyoor | <i>Added-Respondent.</i> | |
| (2) | Chinnan, widow of Murugan of Chankanai | <i>do</i> | |
| (3) | Nannian Sinnavan of Chankanai | <i>do</i> | |
| (4) | Nannian Vyravan of Sandilippay | <i>do</i> | |
| (5) | Velan Marimuttu of Sandilippay | <i>do</i> | |
| (6) | Velan Vythian of Sandilippay | <i>do</i> | |
| (7) | Murugar Ponnar and wife | <i>do</i> | |
| (8) | Ledchumy of Chankanai | <i>do</i> | 20 |
| (9) | Pathan Kanapathy and wife | <i>do</i> | |
| (10) | Ponny of Sandilippay | <i>do</i> | |
| (11) | Visuvan Kathiravelan and wife | <i>do</i> | |
| (12) | Thangamuttu of Sandilippay | <i>do</i> | |

3rd to 12th Added-Respondents.

On this 20th day of September, 1938.

The Petition by way of objection of the 3rd to 12th Added-Respondents abovenamed to the Application for the Probate by Petitioner and for Letters of Administration by the 1st and 2nd Added-Respondents appearing by 30 Mr. S. Sivagnanam their Proctor states as follows :—

1. These Added-Respondents abovenamed state that the abovenamed deceased lived at Jaffna within the jurisdiction of this Court and died intestate and issueless at the

Manipay Hospital within the jurisdiction of this Court on
or about the 19th day of May, 1938.

No. 12
Objections
of 3 to 12
added
respondents
20-9-38
—continued.

2. These Added-Respondents abovenamed deny that the deceased left behind any Last Will and Testament bequeathing his Estate or any part thereof to the Petitioner or any other person.

3. The alleged Last Will purported to have been executed by the deceased and produced by the Petitioner is not the act and deed of the said deceased and the alleged signature on the said instrument is a forgery.

10

4. That the 3rd and 4th Added-Respondents are the Paternal Uncles of the deceased and the 5th and 6th Added-Respondents are the children of the late Velan another Paternal Uncle of the deceased. The 8th, 10th and 12th Added-Respondents are the children of the late Vally the Paternal Aunt of the deceased and 7th, 9th and 11th Respondents are made parties since they are the husband of the 8th, 10th and 12th Added-Respondents respectively. The 3rd, 4th, 5th, 6th, 8th, 10th and 12th Added-Respondents are the sole heirs and next of kin of the deceased and as such heirs they are entitled to the entirety of the Estate left behind by the said deceased.

20

5. That the 4th Added-Respondent is a fit and proper person to administer the Estate of the said deceased on behalf of these Respondents.

6. To the best of the 4th Added-Respondent's knowledge and belief there is no person other than these Added-Respondents and Sinnappillai, daughter of Sinnavan (a minor) who are interested in the said Estate.

No. 12
Objections
of 3 to 12
added
respondents
20-9-38
—continued.

7. These Added-Respondents are unable to furnish at present full particulars of the properties left behind by the deceased but have reason to believe that the Estate of the deceased is worth about Rs. 75,000-00.

Wherefore the 3rd to 12th Added-Respondents pray.

(1) The Will sought to be proved by the Petitioner be declared a forgery and not the act and deed of the deceased and that the Petitioner be refused Probate and claim for Letters of Administration of the 1st and 2nd Added-Respondents be dismissed with costs. 10

(2) That the 3rd, 4th, 5th, 6th, 8th, 10th and 12th Added-Respondents be declared the only heirs of the deceased.

(3) That the 4th Added-Respondent be granted Letters of Administration of the Estate of the deceased.

For cost of Administration.

For cost of suit and for such and further relief as to this Court shall seem meet.

(Sgd.) S. SIVAGNANAM,

Proctor for 3rd to the 12th Added-Respondents. 20

No. 13.

Commission issued to Mudaliyar C. Rasanayagam
Handwriting Expert.

UNDER REGISTERED COVER,

Commission.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the
late Kanapathy Kanthar of Jaffna.

Deceased.

10 Testamentary
Jurisdiction. No. 605

Soosai Sebastian Aiyadurai of Jaffna Town.

Petitioner.

Vs.

Arokiam, widow of Sebastian of Jaffna Town.

Respondent.

Elaiyavy Arumugam of Karaiyoor, Jaffna.

1st Added-Respondent.

20 To,
C. Rasanayagam Mudaliyar, J.P.,
Handwriting Expert,
Barnes Place,
Colombo.

30 You are hereby authorised empowered and com-
missioned to report on the genuineness or otherwise of the
signature of Kanapathy Kanthar the abovenamed deceased
found on the Last Will dated 18th May, 1938 and produced
in this case by comparing same with the other signatures
found on the following documents produced by the peti-
tioner and the 1st Added-Respondent :—

AD1. Deed No. 19462 of 27th November, 1937,
(original)

AD2. Deed No. 19463 of 27th November, 1937,
(receipt) endorsed thereon.

No. 13
Commission
issued to
Mudaliyar
C. Rasanayagam
Handwriting
Expert
17-11-38

No. 13
Commission
issued to
Mudaliyar
C. Rasanayagam
Handwriting
Expert
17-11-38
—continued.

AD3. Deed No. 11567 of 12th November, 1923.

AD4. Deed No. 19619 of 17th May, 1938.

Deed No. 19471 of 11th December, 1937.

Deed No. 19462 of 27th November, 1937,
(Protocol).

Deed No. 19454 of 13th November, 1937.

Deed No. 19505 of 13th January, 1938.

and Last Will.

and send your report to Court on or before the 15th day of
December, 1938. Your fee Rs. 100/- is deposited in Court 10
and Kachcheri Receipt No. 41994 of 11th November, 1938
is filed of record.

This 17th day of November, 1938.

(Sgd.)
D. J.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,
Proctor for 1st Added-Respondent.

Testy. Case No. 605.

Last Will of K. Kanthar of Karaiyoor kept in Court 20
Iron Safe.

(Intd.)
8-6-1938.

No. 14.

No. 14
Report of
Mudaliyar
C. Rasanayagam
Handwriting
Expert
1-12-38

Report of Mudaliyar C. Rasanayagam, Handwriting Expert.

REPORT.

The District Judge, Jaffna, has forwarded to me a
Commission in D. C. Jaffna Testy. Case No. 605 together
with a Will dated 18-5-38 filed in the said case, and the
following documents to wit :

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1. Dowry deed No. 11567 dated 12-11-1923, marked AD3,

2.	Transfer	decd	19454	19-11-1937.	
3.	do		19462	27-11-1937, AD1	(original)
4.	do	do	do	do	(duplicate)
5.	do		19471	11-12-1937	
6.	do		19505	13-1-1938	
7.	do		19463	19-1-1938	AD2
8.	do		19619	17-5-1938	AD4

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Report of
Mudaliyar
C. Rasanayagam
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Expert
1-12-38
—continued.

10

said to contain the genuine signatures of Kana Kanthar (க. கந்தர்), and has requested me to compare the signature on the Will with the other signatures and to report whether the signature on the Will is genuine or otherwise.

2. The following special and constant peculiarities are found in the genuine signatures :—

(a) Every letter in the signature starts with an upward stroke and no such stroke is formed without an initial downward dash.

(b) The final loop of 'ந' is fully formed although the formation of the letter itself is irregular.

20

(c) The tail of 'ச' is a bold horizontal backward dash whether it ends sharply without a turn or with a backward angular or curvilinear turn.

(d) Though the letters in the genuine signatures are not regularly and properly formed, yet all the signatures are pictorially the same.

3. Applying these peculiarities to the impugned signature, it will be found that

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(a) The first peculiarity is absent in four of the letters as they have been started without a downward dash and in the Second letter the downward dash is represented by an unusual and an unnecessary long kombu which shoots upwards from the letter,

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—continued.

(b) The second peculiarity—the final loop of ‘*ϕ*’ is not fully formed and it was thus written by a person whose habit was not that way inclined.

(c) The tail of ‘*ϕ*’ the third peculiarity is slowly and deliberately drawn and the backward dash found in the genuine signature is conspicuously absent. The letter too is written over another letter which was previously formed and

(d) The impugned signature is pictorially different from the genuine signatures.

4. For these reasons, I am of opinion that the 10 signature appearing on the Will dated 18-5-38 was not written by the same person who wrote the other signatures.

(Sgd.) C. RASANAYAGAM.

Colombo,
1st December, 1938.

No. 15
Proceedings
before the
District
Court
Inquiry
20-2-39
C. Rasanayagam

No. 15.

Proceedings before the District Court Inquiry.

INQUIRY.

Mr. Advocate K'Singham with Mr. Advocate Siva Subramaniam instructed by Mr. Asaipillai for Petitioner. 20

Mr. Advocate Wanigasuriar with Mr. Advocate Sambhandham instructed by Mr. Somasegaram for 1st Added-Respondent.

Mr. Advocate Nadesan instructed by Mr. Vythialingam for 2nd Added-Respondent.

Mr. Advocate Kanaganayagam instructed by Mr. Sivagnanam for 3rd—12th Respondents.

It is agreed that the expert evidence be recorded *da bene esse*.

C. RASANAYAGAM : Affd.

C. Rasanayagam
Examination

I am a pensioner having retired from the Ceylon Civil Service. I have made a study of tamil handwriting for several years. I have given 30

expert evidence on handwriting in various Courts of Ceylon including the S. C. I have given evidence in about 150 to 200 cases.

(Shown the Last Will propounded in this Case). I examined this Last Will and compared the alleged signature of the testator of with signatures on 8 deeds admitted to be those of the testator. I made my report which I produce AD1. I swear to the correctness of the report. My opinion is that the signature in the Last Will was not written by the person who brought the signatures in the 8 deeds which are referred to in my report by number and date of each. Four of them were found
10 marked AD1, AD2, AD3 and AD4. The principle on which I work is to be guided by special peculiarities. I first find the special peculiarities in the admitted signatures and see whether they are found in the impugned signatures. The signature is a small one containing only in characters. I found 4 peculiarities in the admitted signatures which are special and constant. I spoke of the shabbiness of the signature because so many peculiarities in so short a signature are seldom found. I produce my report.

C. Rasanayagam
Examination
—continued.

XXed :

Before I find out the number of peculiarities I have to decide what the
20 peculiarities are. What I called peculiarities should be found in all the characters. Out of 10 signatures there must be appearing or 8 at least. If any feature is found in 8 or 9 out of 10 I would consider that a peculiarity. By experience I know how different people write various characters.

C. Rasanayagam
Cross-
Examination

Q. On what principle do you arrive at the conclusion that because at 8 out of 10 signatures there are special and constant features then must be regarded as peculiarities in a man's signature.

A. If I see in a large number of signatures a peculiar feature I would take it to be a peculiarity.

30 *Q.* If the number is 7 out of 10 would you take it to be a peculiarity.

A. I would think so and in case of 6 out of 10 I would not regard the two other than the 8 are found to be alike to be figures. Because by the change of seats, pen, ink some change might occur. The absence in the two cases is the absence of the full formation of the peculiarity. A part of it not fully formed will always appear. These are certain peculiarities which can never be absent. Though the peculiarity is not fully formed, the peculiarity is there. I cannot lay down as a law that there are fully formed peculiarities and not fully formed peculiarities.
40 Unless it is fully formed I cannot call it a peculiarity. The testator always started an upward stroke often making a downward dash. (AD1 shown).

C. Rasanayagam
Cross-Examination
—continued.

The down dash of the first is visible to the naked eye. In the second it is not visible the same way. It merges into the upward stroke. I say so because of the thickness at that place. The lines are not separate. If the line is not thick I would not have thought there was a downward stroke unless it was thick. There is a downward dash in the second straight not separate. There is no angle between the two in the second In the 'ச' also there is the downward stroke.

In the second in AD2 the downward stroke is not recognizable because of the patch of ink.

In the first in AD3 there is no angle between the dash and upward stroke nor is there in the second. The dash is there but merged. In AD3 the thickness of the ink is also not clear. I say that the down stroke is still found because it is clear that the upward stroke does not begin at the bottom.

In AD3 in the first the upward stroke begins when the curve crosses the whole character.

(When this was read out) That is not what I said, what I meant was the downward dash started there. The upward stroke started without a penpause after the downward dash. In the of AD3 I don't see the the downward dash. What I mean is that is not visible. The double nature of the upward stroke makes me think so.

(Shown a letter written by Counsel with a downward dash). What is marked A is the downward dash. In (written by witness) the downward dash is shown in dotted lines. Both these are on a document P2 (a blank foolscap sheet)

In AD3 the cross line forming the two parallel strokes on the top has been brought down by this writer so that the crossing portion of the top coincides with the crossline. For that purpose the upward stroke is retraced on the top part. In the second also the downward dash is then shown as a thickening of the upward stroke. In both these the lower portion of the upstroke is not thicker than the top portion. That was because there was no penpause. For me to assume that there is a thickening downward dash a portion of the upward stroke must be thicker than the rest. It may be not thick at the very bottom of the downward dash was in the first so that the lower end of the downward dash get thick. I draw the reference that he drew it first because it is not thick.

Every letter starts with a downward dash. (Shown deed 19505 P3 dated 13-1-38). In this the downward dash is visible. In an upward stroke the two slips of the pen will not be seen. It is only in a down-

ward stroke that it will be seen. In the last letter of P3 the downward dash starts from the very top and the upward dash go only half way up and bends to form the crossline. I draw that reference also from the thickness of the line. Thickness can be produced by pressing the pen also. The loop of could be said to be fully formed if it touched the downward stroke. If it did not touch the downward stroke it is not fully formed. (Shown deed No. 19434 of 19-11-37 P4). In this the loop of does not touch the downward stroke but so fully formed. The loop of in AD4 the loop is fully formed though the letter is irregularly
10 formed. There would have been no blot of the loop if the loop was not formed. In thana the peculiarity is the boldness of the tail. In the impugned signature it is not bold.

There are tremours of illness, of age, and of fear. In the case of age they are seen mostly in the upward strokes. In the case of illness tremors are found in curves. Tremors of fear are found in unnatural places. In the case of illness the formation of letters will be irregular and there will be several penpauses. In the upward of in the Will produced there are tremors of illness. In this Will where appears first a letter was written which was not a "thana" and afterwards "thana"
20 was written on it and the tail is not a dash.

The thickness of the ink in "thana" is the result of writing over another letter with the extension of common flaging.

In "kana" in the Last Will the loop is somewhat similar to the loops in some of the admitted ones, Even in the admitted ones the loops are not uniform. The tail of thana is not a dash. There are no tremors in the tail of thana but there are waves because it is drawn crudely. If the writer was very ill he might not have made a dash in the that of the thana. The bare appearance of the signature is not similar to that of the genuine signatures.

30 The distance between the letters and the height of the letters and the general kind of writing may contribute to the difficulty shown.

The space between the characters in the genuine signatures and elsewhere is similar to the space in the admitted signature.

The space between the 2nd and 3rd letters is not uniform in all the genuine signatures, but there is nothing to dusk the pictorial appearance. In the admitted signatures the height of letters are not uniform.

I am not fallible.

I have not read the judgment in any case in which I gave evidence.

BY MR. KANGANAYAGAM :

40 Nil.

BY MR. NADESAN :

Nil.

C. Rasanayagam
Re-Examination

Re-XXd.

I have examined 40 characters in 8 documents. Each character had been started with a downward dash. In 4 out of the 5 characters in the impugned there is no downward dash. The 2nd character has downward dash. That one is higher than the letter.

The loop has to be complete means that it has to be closed. In this impugned signature there has been no intention even to form a loop.

The full formation of the loop in the deceased's case is a characteristic that should be found in all signatures. The bold dash of the thana is formed even in signatures of the previous day. 10

The tremors in the impugned signature are due to slow writing. If I had a doubt I would have said so in my report.

In AD4 although the letters are irregularly and weakly formed the dash is perfect.

All the admitted signatures are pictorially the same but the impugned was found to be different when I placed all of them in a row.

(Sgd.) S. RODRIGO,
A. D. J.
20-2-39.

The rest of the hearing for 4/4.

(Intd.) S. R.
A. D. J. 20

No. 16
Proceedings
before the
District
Court
Inquiry
Continued
19-12-39

No. 16.

Proceedings before the District Court. Inquiry Continued.
INQUIRY RESUMED.

19-12-39. Appearances as before except that Mr. Advocate Sanmugam appears for added 2nd respondent.

It is agreed among the respondents that for the present they will bury the hatchets among themselves and that the 1st added respondent's Counsel will conduct the case for all 30 of them against the petitioners.

S. Aiyadurai S. AIYADURAI : Sworn.
Examination

My mother was deceased's mistress. I was born to him. So was a sister. I am 35 years old. The deceased had begun to live with my mother

before that. He had no other family. He looked upon my mother, myself and my sister as his wife and children. He lived in one house. He was a physician and he used to have a separate place for examination and treatment of patients. For some years he became a vegetarian. During that time he had his meals at his place of business. He did that even before at times because he had to feed the other employees of his. He took his meals at that place joined by me also. Before he became a vegetarian he took his meals regularly in our house.

S. Aiyadurai
Exami-
nation
—continued.

My father got me admitted as an apprentice at the Ayurvedic Medical Hall. I was there for 3 years. The deceased paid my expenses. Later I found him in his practice. I worked with him. Before that I studied at St. Patrick's for about 10 years. My mother is of the Palla Caste. The deceased was of the Nallawa Caste. There is no distinction between their status. My father built a room at St. Patrick's College. His name is inscribed there. He did it to leave me in the College for study purposes. My father subsequently fell ill. He was taken to Manipay Hospital four days prior to his death. When he was taken there and after four days' treatment he was brought back and after he was again treated for days by the Ayurvedic Physician and he was again taken to Manipay and in two days he died. Both times he was taken to Hospital from the place where he practised medicine. He was brought back also there. Corpse also brought there.

One Arunugam, Mr. Anthony and one Nupan Rajasunderam took him first to the Hospital. I remained at home.

I used to pay visits to the Hospital. Because there was no one at home he used to send me back. By home, I mean the dispensary which is a quarter of a mile from my mother's house. That place where my mother lives is her own house leased out by her about 10 years ago.

She had a husband. Having come to know that she was in with him and left her about 45 years age. I have seen him. He had a separate family and even visited my mother after my birth. I remember him dying. My mother had a son born to him about 20 or 30 years older than I. He died at that son's house. The physician who treated him was Dr. Sirinivasa Iyengar. My mother's home and dispensary are both at Karaiyoor in Jaffna. Because I was studying with Dr. Sirinivasa Iyengar he used to go to deposit moneys after I came to know him.

The removal to Hospital, the 2nd time was without my knowledge. That day I had a case in Court and my father gave Rs. 2/- to get a headman's report. I went in connection with that. It was the Police Court that I went to that day. When I returned from the Courts after giving the report and order from the (illegible) he was in and the last will was written there. I was sent for and went.

S. Aiyadurai
Exami-
nation
—continued.

At about 8 a. m. that day he told me that his case was serious that he intended to write a last will and wanted to give the report and come. It was when Iyangar treated him that he knew from Iyangar his case was serious.

I wrote the last will at the dictation of my father. My father was able to dictate. All the witnesses who signed it were there. My father signed the will. The witnesses also signed it. After I wrote it he asked me to call the witnesses and read it out. I read out the last will. He told the witnesses that he was leaving everything to me and asked them to sign it. After the witnesses were called and the will was read out to them my father signed it and the witnesses after him. I went to the Court House again because Mr. Nalliah sent me a message at the request of the Magistrate. I went to the Court House.

One Santhia filed a criminal action against me, a false action. That was for trial that day. I waited there till 5 p. m. and went back at 5 p. m. I kept the last will inside a book when I left for the Courts. I kept it inside the book on a Wednesday. This P1 is the last will. My father was not in. After taking my meals I left for Manipay and on inquiry I learnt that Arumugam removed him to Manipay Hospital. Arumugam calls himself as a son of my father's mother's brother. I don't know him well since they come here only once in a way. He comes from Alaveddy. Whenever he comes to my father's house he stays there for two or three days and during that time he does such work as my father gives him.

My father had Rs. 1500/- in a bundle and he finding Rs. 100/- missing charged Arumugam with taking it and drove him out of the house. This happened 4 or 5 years prior to the deceased's death. I was present when he was driven out. After that when Arumugam came to buy medicine as he himself is a practitioner, he used to stand on the road and send somebody for the medicine. He practised at Alaveddy.

I went to Manipay at 7 p.m. When I went there my father inquired what happened to the case. I said it was postponed. He asked me to get back home as no one was in the house. The next day I went to the Hospital at 11 a. m. Arumugam, Rajudesan and Anthony took a Notary there and warned my father to write a last will. They had already drafted one. The Notary was B. Joachim. Anthony is the T. N. Anthony. Rajudesan is Noopan Rajudesan of Karavetty. There were others also present. The deceased said he would not write a last will when I entered the room. They asked my father to sign it saying "at least for your son's sake sign."

Arumugam had a last will drafted for him and finding that my father would not sign it he asked my father to sign it for me. Notary Joachim also heard it. Then my father pointed out to me and told them "he knows it and I too know it." The persons then continued to

worry him and asked me to request my father to sign and to ask somebody also to request my father to sign it. That day Arumugam was aware that the previous day this last will had been executed. When Iyangar was treating him soon after the execution Iyangar came to see my father and my father told him "Sir, I have done what I told you that day and when Iyangar asked him to whom it was, my father pointed out to me and said that it was for him. When Iyangar got out of the house Arumugam came and went with the Iyangar in his carriage. Shortly after I went to Iyangar's place on a bicycle. There I met Arumugam and Iyangar then. Iyangar pointed out to me and told Arumugam "you had better do what Aiyadurai asked you and told me" you had better help Arumugam. I agreed.

S. Aiyadurai
Exami
nation
—continued.

Q. Was Arumugam in need of help ?

A. He wanted financial help.

Q. When Arumugam asked you to persuade someone to ask my father to sign a last will what did you do ?

A. Myself, Arumugam and the Anthony wanted to see Dr. Chaco, the Doctor of the Hospital.

To COURT :

20 Q. What for ?

A. To ask him to request my father to sign the last will drafted by Arumugam.

Q. Why did you go ?

A. Because they requested earlier and he refused to sign. I wanted to ask Dr. Chaco to request my father to sign the last will for me.

Q. What about the previous day's will for you ?

A. I gave the key of the iron safe to Arumugam when I went to Manipay and when I asked for it he refused to give it and warned me to get the last will signed. There was a lot of money inside the safe.

30 Q. (The question asked again)

A. They dragged me and forced me to go with them. I did not go of my own accord.

Having gone I did not speak to Dr. Chaco. Anthony and Arumugam spoke. Then Anthony told Dr. Chaco "This poor boy will be help-

S. Aiyadurai
Exami-
nation
—continued.

less. Ask him to sign the will.” “Naming me by poor boy.” Then Dr. Chaco came and told my father “Physician if you want to write you may write.” Then my father said “I know about it.” My father died half an hour later.

S. Aiyadurai *XXd* :
Cross-
Exami-
nation

TO COURT :

After Iyengar asked me to help Arumugam I returned home. I went there for medicine. I bought it and administered it to my father and at about noon when I received a message from Court I left.

My name is Sebastian Aiyadurai. Sebastian is the name of my 10 mother's lawful husband. My sister is younger. She was some time ago ill in Hospital before the deceased's death. The deceased went and saw her in the Hospital.

The question is whether Kandan land is his own. It is in the house that he had his dispensary and not in the portico. There is a bench in the verandah. They sit there and get medicine. It is a strong well built house. He kept medicine in one room and in the other room he and I lived. All his movables he kept in that house all along. The deceased donated a property to my mother. No. He transferred it. The deceased had a land at Palletheru. The deceased sold it. My 20 mother did not try to take forcible possession of it. I was convicted and fined Rs. 100/- and imprisoned till the rising of the Court for assault.

On occasions I take liquor once a year or when there is a function in our family. There was a U. D. C. election in December, 1937. The deceased was an ardent supporter of Anthony. They were good friends. The deceased did not spend his own money for his election. I worked for the opposing candidate. At the request of my father I did it because he recommended me that the opposing candidate was my teacher. T. M. Anthony was also my teacher. My father was the God father of the opposing candidate's sister. For that reason also he asked me to 30 work for the rival. I did as my father wanted me to do. My brother and I worked against the Anthony. The deceased was not displeased with me and did not ask me not to come to his house. All he did was to vote for Mr. Anthony. He did not ask others to vote or go canvassing for Anthony. When he was taken to Hospital first I was in. Those who took him were Arumugam, Anthony and S. Kandiah Noopar Rajadurai. The last did not remain with the deceased in Hospital. Arumugam and a servant stayed with him. The servant was S. Kandiah, a relation of the deceased. S. Kandiah was living with the deceased and working for him. Arumugam was also living there then. Arumu- 40 gam came to her with him 3 months' prior to his death. Three or four years before also he lived there. Arumugam's daughter was also living in the deceased's house from December, 1937. She was brought to be

given in marriage to me. She married during the life-time of the deceased about 10 years before deceased died. Her husband is living. It is on a previous action that she was brought to be given in marriage to me. About 3 years before her marriage she was so brought. I am 35. She misbehaved with one person who was working there and my father got displeased. She was given in marriage to another person. I did not marry her because of that trouble. It was not the deceased but her father who gave the dowry and had spent for her. It may be that she married 16 years ago. I am not married yet. (Shown AD3). This bears the deceased's signature. He gave his dowry and got a transfer of Arumugam's property on the same day. I know that the dowry deed says that he was giving dowry. He dowried lands situated a Karaiyoor. I told the Court that he is a cousin. Noopar Rajadasan was not a good friend of the deceased. He is not of that community. He is of the Pallar Caste. The reason for him to go to the Hospital because he is a friend of Arumugam. Rajudesan's property is mortgaged to my father. Anthony's property too is mortgaged to my father. Sometimes they come to see him. The 2nd time also Arumugam took Rajudesan to Hospital. Arumugam took Anthony also. Rajudesan did not stay at the Hospital that night. On 18th I did not see him there but on the 19th he was there. On the 17th Rajudesan did not sleep at the deceased's house. I slept, Arumugam was also there. Nathan came and went. Kandiah or Pasupathy of Welvetiturai was not there. Those who were there on 17th night were myself, my mother and two or three others whom I don't know. They came from some distance to see my father as they had been his patients. Arumugam's daughter was living very close. She used to come and go. On 18th morning I did not see Rajudesan nor Anthony. I went and got money from the deceased that morning. My mother, brother and some others who had come there for medicine. The deceased did not ask Arumugam to give Rs. 2/- to me. He gave me the keys and I took the money. The keys were not with Arumugam. I got the money at about 7-30. I returned at 9-15. I went to the Udayar and got a report to the effect that I was unable to attend Court as my father was ill. I met Mr. Nalliah on the Court's verandah and I gave the report. When I went some persons who had come to see the patient were on the verandah and a few others who could not get into the room standing by the tats. The last will was written at 9 or 9-30 a. m. When I came home witnesses were there. There were the witnesses and others. ".....".

The others were 5 or 6 others who had come to see the patient. I did not take notice of them. All of them were holding the tat.

S. Aiyadurai
Cross-
Exami-
nation
—continued.

Some of the witnesses were holding the tat and others were seated on the verandah That was when I came. All those who were there could see one another. The deceased was lying down on a sofa in the portico. He was not lying down in the main house. At the entrance to the portico a board was put up warning people not to disturb the patient. My father got it put up. I don't know who did. I can't say if those people

S. Aiyadurai
Cross-
Exami-
nation
—continued.

who were there were there long or went away soon. There were 5 or 6 besides the witnesses. It was 2 minutes after I went there that the deceased spoke to me about the will.

Arumugam was not there. I don't know when he went. Sankary Kandar used to go home during the deceased's illness because he had no work. He could not afford to spend his time there as he was a man with wife and family. Those who were at the Hospital during his first stay were Nathan and two or three servants whom I don't know. I don't know because whenever I went to the Hospital he used to drive me home as there were no others at home. My mother and sister also did not stay at the Hospital. The deceased dictated the will. It was in the presence of all that he dictated the will. All did not hear because he was weak and spoke in a low voice. Though they heard they did not understand. The deceased himself called the witnesses and asked me to read out the will. I did not call them. I read out the will.

After that the deceased told the witnesses that he had given everything to "this boy" in any event signed and asked them to sign. He called out to the witnesses by their names. He further called Rajadasan, then Kandiah. I don't remember of next he called Bulthazza or Gnanapragrasam.

(Reminded of what he said first). He could not speak loud when he uttered the name. I spoke it loud. The witnesses are not my friends. The witness Rajanathan is not my friend but one who my father treated. He has a sister but I have not promised to marry her.

Myself and Rajanathan were members of the theatrical party that went to Mannar. The Manager took us both.

I gave evidence in the P. C. in which Rajanathan was charged. I gave evidence for the woman, the complainant and for Rajanathan. I was called for the defence. I gave that evidence after the deceased died.

Q. There you said that you did not know the accused or his name. 30

A. When I was asked if I knew the name I said "Yes" but at that time I did not remember his name.

Mr. Wanigasuriyar marks the evidence AD5.

Mr. Kulasingham objects on the ground that it is to attack his credibility. I over-rule the objection as the evidence is relative in proof of his relations with Rajanathan. Before that Rajanathan and I were charged in a criminal case together. That was a long time. I did not remember his name at the time I gave evidence in the motor car case. In the motor car case evidence was given on March, 1932. The

other case in which we were accused was about 8 months' before. I for- S. Aiyadurai
get the name because I don't go about with him much. There was a Cross-
petition given against Rajanathan and me both that was by this Arumu- Exami-
gam after the deceased died. Kanapathy Kandiah, the witness is a nation
musician and I am also a musician. —continued.

Q. Was that Kandiah convicted for looting and bound over for 6 months ?

Mr. Kulasingham objects.

10 I over rule the objection because the suggestion is that birds of a feather flocked together and not to attack the credibility of Kandiah.

A. I don't know about that. Now he lives about one mile away from the house.

I don't know if Rajanathan was convicted of any offence and sent to jail.

Witness Gnanapragasam is not a cousin of mine. His mother and my mother are not children of two sisters. Balthazza is my brother's brother-in-law. The other witness Anthonypulle is neither a relation or friend but a tenant under the deceased. He is of the same community
20 as my mother.

Q. The deceased did not like your association with Kandiah, Rajanathan and others.

A. He liked it. He was not angry. The deceased used to have such deeds executed in his favour. He had more than 50 such documents. The Notary mostly was Mr. Tissaveerasinghe. He got Joachinpulle also to attest deeds.

Notary Joachinpulle's office is within 200 yards from the deceased's house and visible from there. That Notary's house also is very close. Proctor and Notary Tissaveerasinghe also lives within $\frac{1}{8}$ of a mile of the
30 deceased's house. Proctor and Notary Kanagaratnam also lives very close.

On the 19th I went to the Hospital and saw Notary Joachinpulle there. Till his death the deceased was quite conscious and was talking. Mr. Anthony and Nupan Rajudesan and this Arumugam were there. Nathan and Pasupathy were there. So were S. Kandiah Arulanandan and Sinnakutty Thambiah.

Q. Did you in the presence of people did you not kneel before the deceased and ask him to write something in your favour also ?

S. Aiyadurai
Cross-
Exami-
nation
—continued.

A. I did not.

I did not kneel before him nor did I sit by his side.

Q. Is it not true that you did it and he turned his back on you ?

A. He did it because those people were facing him. I did not tell them that he had already signed a will because they would not allow him to die peacefully if I told. I did not tell Mr. Joachinpulle or Dr. Chaco.

No one of the people present there knew about the execution of the last will except myself and the deceased (Think a little more) no one else knew. Persons who were there were trying to persuade him to write a will in my favour at least.

Anthony, Sangany Kandiah, Arumugam and others who had gone there persuaded the deceased to sign the last will they had taken at last for my sake. What I mean is that having brought a draft in favour of Arumugam they wanted to get it signed by making him understand that it is for me. They did not know of the execution of the last will at Karaiyoor. Mr. Anthony spoke to Dr. Chaco. He suggested to Dr. Chaco to have a last will written in anybody's name.

He asked Dr. Chaco to have the draft already made signed at least for my sake. Mr. Anthony did not ask Dr. Chaco to ask the deceased to write in anybody's favour. Dr. Chaco himself gave that advice to the deceased. Mr. Anthony told Dr. Chaco pointing out to me "he is a poor fellow get the last will signed for him at least." I did not do anything or say anything because I knew that he would not sign having already written in my favour. If I mention it to Dr. Chaco he would tell those people and would they give my father trouble. Dr. Chaco had no interest in any particular party.

Q. Did you not go alone to Dr. Chaco first ?

A. No. I went with others.

Q. (Again asked),

30

A. When these people faced me and I was talking to Dr. Chaco they followed.

I went to Dr. Chaco when Mr. Anthony was talking to him.

Q. Did you go alone to him when there was no Mr. Anthony or anybody else ?

A. No.

I did not tell Dr. Chaco anything.

I went there and spoke nothing because Anthony was talking. When they pointed out to me and said that the will will be written in anybody's favour. I said then let it be written. That is all I told Dr. Chaco.

I did not ask Dr. Chaco to persuade the deceased to write anything in my favour. Dr. Chaco had come earlier and given an injection. After I went and spoke to Dr. Chaco he came there. Because those 10 people had asked him to request the deceased to write the will in anybody's favour he came there and told the deceased to write the will in favour of anybody he liked.

To COURT :

I had faith in the deceased's constancy I did not interfere.

(Sgd.) S. RODRIGO,
A. D. J.
19.12.39.

Although the case is for tomorrow also petitioner's Counsel is applying for another date.

20 For 8 and 9/1.

(Intd.) S. R.
A. D. J.

No. 17.

Proceedings before the District Court, Inquiry continued.

INQUIRY CONTINUED.

8-1-40.

Appearances as before.

S. AIYADURIA (recalled) Affirmed.

The deceased was at one time having as a mistress a woman of the 30 Chemma Caste. That was before my time. I did not see that woman. He kept one Walliamma of Alavetty as his mistress for about a year when I was a small boy.

S. Aiyadurai
Cross-
Exami-
nation
—continued.

No. 17
Proceedings
before the
District
Court
Inquiry
Continued
8-1-40

No. 17
 Proceedings
 before the
 District
 Court
 Inquiry
 continued
 8-1-40

And when he came to know that she was on terms with Arumugam he gave her up. As I was a small boy I did not know if he kept her for 7 or 8 years.

Q. After that he kept one Pariathai from Udamali.

A. That also was when I was a small boy.

He married a woman Pragasai when I was 6 or 7 years. She died.

Q. She lived as his wife for about 10 years.

A. I can't say.

The deceased had a son who died when 5 or 6 months old. The deceased's mother was also living with him. I also was with them. It may be that she 10 died in 1915. She was a RC. The deceased was also a RC. But he never followed that religion. He married Pragasai according to RC. Religion. The last will was written on 18th May.

When I returned from Court to the house those present there were the witnesses and some other people and some people on the verandah. All the witnesses were present there. It was about 3/4 or 1 hour after the signing that the Brahamim came. When he came one Rajaratnam was there. A Clerk of St. Patrick's College was also there and his name is James. He is son of Thannian. Thannian had a daughter. It is not true that she was the mother of a child born to me. Those two were all 20 there then. The witnesses to the will had left. The witnesses remained there for 5 to 10 minutes after the will was signed and left. That day I was accused in a case and I had to go on bail. I was bailed out 22nd April to appear on 18th May.

Rajaratnam was connected with me. The 18th May was that date. Rajaratnam was also on bail. I can't remember if the Doctor's evidence was recorded. I kept Rajaratnam back that day saying that I had got a report to get a date.

Rajaratnam was in Court when I came to Court but I did not know how he came. Rajaratnam was a witness to the last will. 8th July was 30 one of the trial dates in that case and I gave evidence.

Q. Did you say there " my mother was not living with Pananai Kandan. I was adopted by them and I claim to be his heir by adoption."

A. No.

Mr. Wanigasooriar marks AD6. On the 19th I was in Manipay

Hospital. I met Dr. Chaco but I did not remember if I spoke to Dr. Mills. I don't know him. I did not ask him to go and induce the deceased to write a will in my favour as I would be left penniless.

Read :

S. Aiyadurai
Re-Examination

When I went to Court in the afternoon it was 1 p. m. On receipt of a message I went to Court and had given the report to my Proctor in the morning. The will was written on my return after the giving of the report.

(Sgd.) S. RODRIGO.

10

A. D. J.

8-1-40.

RASIAH RAJARATNAM : Sworn.

Rnsiah
Rajaratnam
Examination

I know the deceased Kanthar. I knew him for 4 or 5 years before the last will was written. I was born in Hospital Road. I am 23. I lived at Batticaloa for 4 years. I came back 6 or 7 years. My knowledge of him was only after my return from Mecca. (Shown Last Will) This signature as that of 1st witness is mine. The deceased signed this document before I signed. The other witnesses also signed it in my presence. The third witness Anthonyulle died after the case was filed.
20 He died about 1 or 1½ years ago. This last will was what the deceased signed and I and others witnessed.

XXd.

The signature was not put down by the petitioner or the Iyengar but by the deceased. I am sometimes known as Anthony. I don't sign as Anthony. At Batticaloa I was employed under Rev. Macway. I was not convicted on a charge of misappropriation and lashed. I was convicted and in jail for rioting two weeks.

Objected to as irrelevant. Over ruled.

I don't remember if I was convicted and fined Rs. 2-50 for assaulting a boy. I am not friendly with the petitioner. Ever since I knew the physician. I knew the petitioner. The petitioner and I are not members of the same musical party. The petitioner plays on the harmonium. I don't sing. I accompanied the petitioner and others to Mannar to stage a play. My going being due to our car going on that trip. I am not a driver. That is my father's mother's sister's car and I went with the driver. I returned with the others after a play of 5 or 6 days. I was prosecuted by the Police for driving without a licence and other motor offences. I cited the petitioner to give evidence and he

Rasih
Rajaratnam
Exami-
nation
—continued.

gave evidence. That was for an offence committed while returning from Mannar. That was after the deceased's death. I do not know of any petition jointly against petitioner and myself. No Police people came and inquired.

The will was signed by the side of the deceased's bed. In the motor car case I was convicted. My going to the deceased's house that day was due to my father's sister's house being about 25 yards away, and that there was a Police Court case.

Q. Why did you go there ?

A. Whenever I go I first go to my aunt's house.

10

I went to the Panain's house to call Aiyadurai in connection with the P. C. I went to the deceased's house to call Aiyadurai to go to Court and also to see the deceased. I went there at about 8 or 8-30 a.m.

In the verandah there were many women. I did not see Aiyadurai there when I went. When I went there all the other four witnesses were there. Their names are Kandiah, Walather, Gnanapragasam, Anthonyulle and others. The 1st added-respondent was not seen by me.

I know Kanthar but I did not notice him there. Kanthar did not work for the deceased. I did not notice Kandiah (volunteers). I did not take notice of anything. I went and stood by the side of the sick bed. There were about 8 or 9 people including women. I stayed there about 1½ hours. Those 8 or 9 people who came there when I went also were there from that time. The deceased was lying on bed.

Q. Who was attending on the deceased ?

A. He was there alone. After some time Aiyadurai came. I was about 4 or 5 yards from the deceased. I could see the deceased. There were people going up to the deceased and coming and I did not know who they were. I did not notice the first respondent. I can't give the name of any particular person and who was present except the witnesses. There were people whom I knew but their names I do not know. I can't describe any of them. If I see them I can identify them. I knew the witnesses but their names I knew only after they signed. After I went the petitioner's coming was about half and hour or 3 quarter of an hour later.

When I did not meet Aiyadurai I waited there to see the deceased.

Q. You waited there 1/2 or 3/4 of an hour ?

A. I must wait there to meet the petitioner and take him to Court.

Q. You had to be in Court by 9 o'clock ?

A. We go to the Court by about 9 or 9-30.

We had seen our Proctor previous night.

(Coughing)

The case had been fixed for trial that day. I was out on bail. If I had not gone to Court the bail would have been declared forfeited and warrant would have been issued against me. I went to Court that day. I went about 9-30 or 10. I was half an hour late than usual. The deceased beckoned to me to wait. When I went in the deceased told me that he had asked Aiyadurai to get a report to be given to the lawyer to get a date. (Reminded about the beckoning). When he beckoned me I went inside. When he beckoned to me the deceased was talking to some one else. After speaking to that person I went near him. I told him that I was late to Court. Then he told me the above. I wanted to leave by a wave of the hand. He asked me to stop.

I told him that I wanted to leave. That is how I knew.

Q. Even if Aiyadurai obtained a report that would excuse his absence and not yours ?

20 A. He was 1st accused and I was 2nd.

Q. You had to go to Court ?

A. Later I went to Court.

When Aiyadurai returned to the deceased's house he said that he had got a report and that he was unable to go to Court. Before Aiyadurai's return I knew that Aiyadurai had gone for a report. I waited because the physician asked me to stay. Aiyadurai's return was about half an hour after my going. After Aiyadurai's return also I was there about half an hour. Before Aiyadurai's return the deceased did not tell me why I need stay. I don't remember who came after Aiyadurai's return. Parianan is a man of influence and respected by people. He had respectable friends.

Q. Among all communities ?

A. He was respected everywhere.

I went only on that day and that day I did not see respectable visitors.

Rasiah
Rajaratnam
Exami-
nation
—continued.

It was the previous night that I returned from Mannar when I worked in a bus as a Conductor. During the illness I did not see him either before that morning or after that morning. Aiyadurai told me that he handed the report and nothing more. He told me that he had handed the report and added "you better go to Court." He told me that last immediately after the former but I then said "your father had asked me to wait and I waited." Then Aiyadurai went near his father.

Q. And you went to Court?

A. No I stayed.

I was there about 1/4 of an hour after that. While I was there I could see the petitioner writing something at the dictation of the deceased. I did not then know what it was.

Q. Did you come to know later?

A. When Kanthar said Rajanathan then Aiyadurai was there and he repeated the deceased's words and I went up.

Q. You only?

No. The other witnesses.

When I went in the other people also followed me. After I was called Aiyadurai was near the tat and he must have called the other people.

20

Q. You did not hear?

A. I might have heard.

When I was called I went in. When Aiyadurai called the names of Walathi and others I did not notice. Including Aiyadurai there were six people standing by me. When we were there the deceased asked Aiyadurai to read. Aiyadurai read it. Then the deceased sat up and signed. He signed saying I am signing and giving all the properties to Aiyadurai and asked us all also to sign. Then he signed as witness. After the document was read I came to know the contents. We thought the petitioner to be his son. He is known as Kanthar's son. In the criminal case he was called Sebastian Aiyadurai and everywhere he is known as Kanthar's son. Even now he is known as Kanthar Aiyadurai though named Sebastian Aiyadurai. The document when read out contained the description "adopted son." The deceased was respected all over the Town. About 10 or 15 minutes after the signing I told the deceased and went to Court. Aiyadurai was near the deceased. I went straight to the Court. The Doctor's evidence was reordced. When the

evidence was recorded all the three accused were present. That was after the interval for lunch.

Re:XXd.

When the deceased first asked me to stay I did not know why. Nobody had told me before that that the deceased was going to make a will. The petitioner was living with the deceased. He used to attend to patients and also prescribe for them. Besides Aiyadurai there were some others who used to ground medicine. It was only Aiyadurai who help in attending to patients. That was so ever since I knew the 10 petitioner. I have been in the habit of assisting Aiyadurai in the physician's house. Aiyadurai is a person of means but not such a great friend as to accompany me everywhere.

I noticed that the physician used to called Aiyadurai his son. I know the first respondent only after this case. In my visits I did not see him. In my visits I did not see the deceased entertaining his relations from the country.

(Sgd.) S. RODRIGO,

A. D. J.

8-1-40.

20 Further hearing tomorrow as already fixed.

(Intd) S. R.

A. D. J.

8-1.

No. 18
 Proceedings
 before the
 District
 Court
 Inquiry
 Continued
 6-540

No. 18.

Proceedings before the District Court, Inquiry Continued.

HEARING RESUMED.

6-5-10.

Appearances as before.

D. BALTHAZAR : Sworn.

I knew the deceased Kanthar. I remember the time of his illness. I had then known for about 28 years. I signed his last will as witness. Along with me 5 signed as witnesses. Gnanapragasam, Anthonyulle Rajaratnam, Arumugam and myself. The deceased Kanthar also signed 10 First the five witnesses signed and then Kanthar signed. This happened about a little over a year ago. I don't know who wrote it. The text had been written when I signed.

To COURT.

Q. Apart from the body of the last will who was the first to put down a signature ?

A. Rajaratnam.

(Again asked). The first to signed was Kanthar.

Q. Then why did you first say etc.?

A. After the last will was read and explained to us and we had 20 signed Kanthar said that he had also signed and showed his signature.

The matter is now settled.

The respondents through their Counsel agrees to pay the petitioner Rs. 2000/- out of the estate, when the assets are realised.

On that agreement Counsel for the petitioner consent to the declaration that the deceased died intestate and withdraw the original petitioner's application.

I make this agreement an order of Court and dismiss the present petitioner's application without costs. In those proceedings Mr. Advocate A. W. Nadarajah appeared in the place of Mr. Advocate Sanmugam 30 instructed by Mr. Vythialingam.

Inquiry as between respondents for 28/5.

(Intd.) S. R.

A. D. J.

No. 19.

No. 19
Pedigree of
1st added
respondent
19-8-40

Pedigree of 1st Added-Respondent.
IN THE DISTRICT COURT OF JAFFNA.

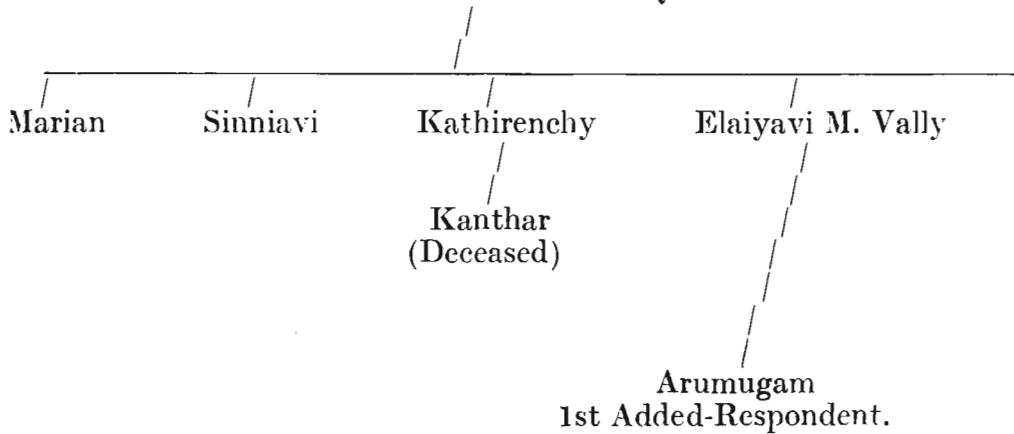
Testamentary

No. 605

Jurisdiction.

Pedigree of the 1st Added-Respondent.

Kanthar married Kathirasy.



This 19th day of August, 1940

(Sgd.) C. C. SOMASEGARAM,

Proctor for 1st Added-Respondent.

No. 20.

No. 20
Pedigree of
8 to 12
added
respondents
10-8-40

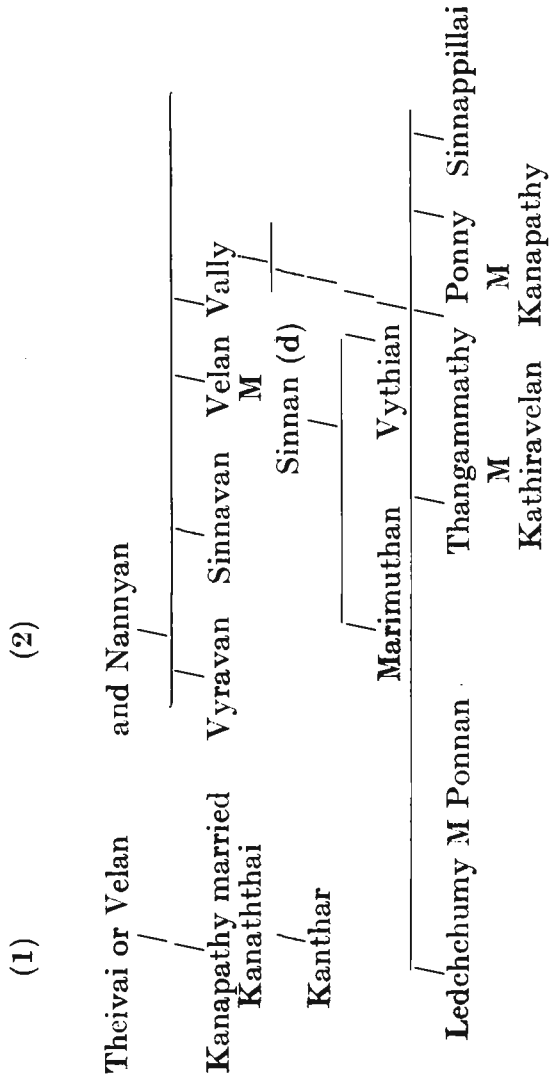
Pedigree of 3rd to 12th Added-Respondents.

No. 605 Testy.

3rd to 12th Added-Respondents' Pedigree.

(Intd.)

18-8-40,



(Sgd.) S. SIVAGNANAM,

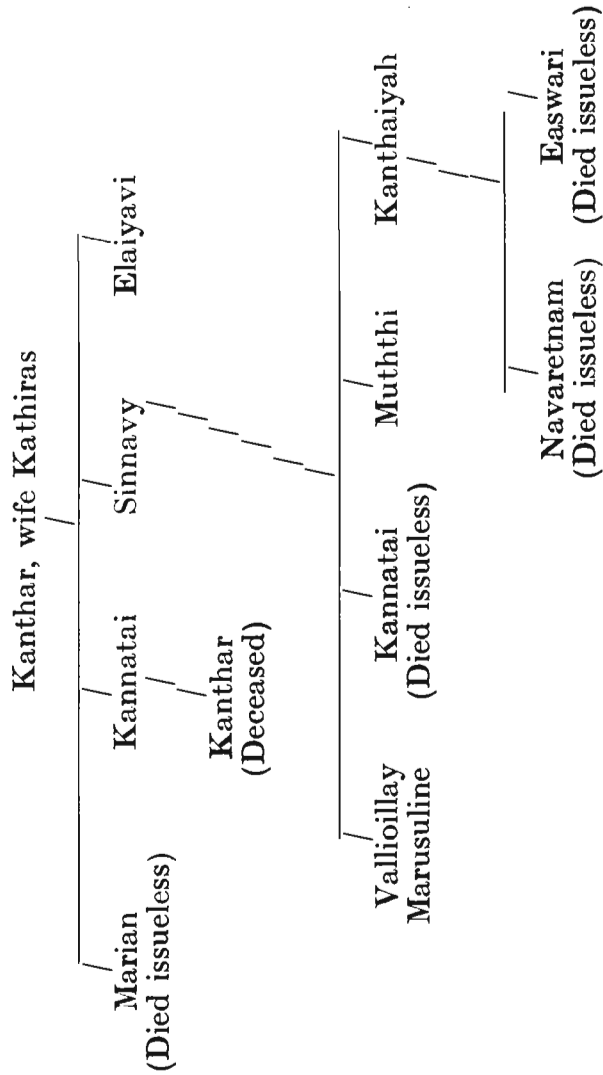
Proctor for 3rd to 12th Added-Respondents.

Pedigree of 13th and 14th Added-Respondents.

No. 21
Pedigree of s
13 and 14
added
respondent
19-8-40

(Sgd.)

19-8 40.



19th August, 1940.

(Sgd.) V. S. NADARAJAH,

Proctor for 13th and 14th Added-Respondents.

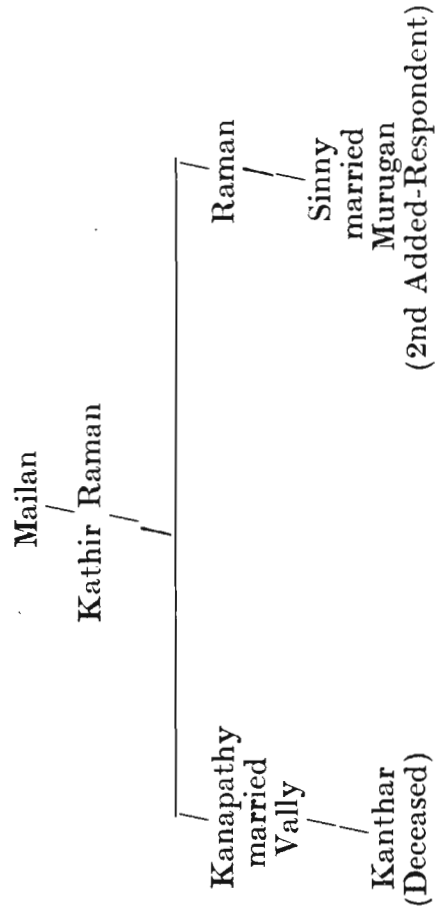
2nd Added-Respondent's Pedigree.
(Chinny alias Chinnan widow of Murugan).

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.



(Sgd.) M. VAITHIALINGAM,
Proctor for 2nd Added-Respondent.

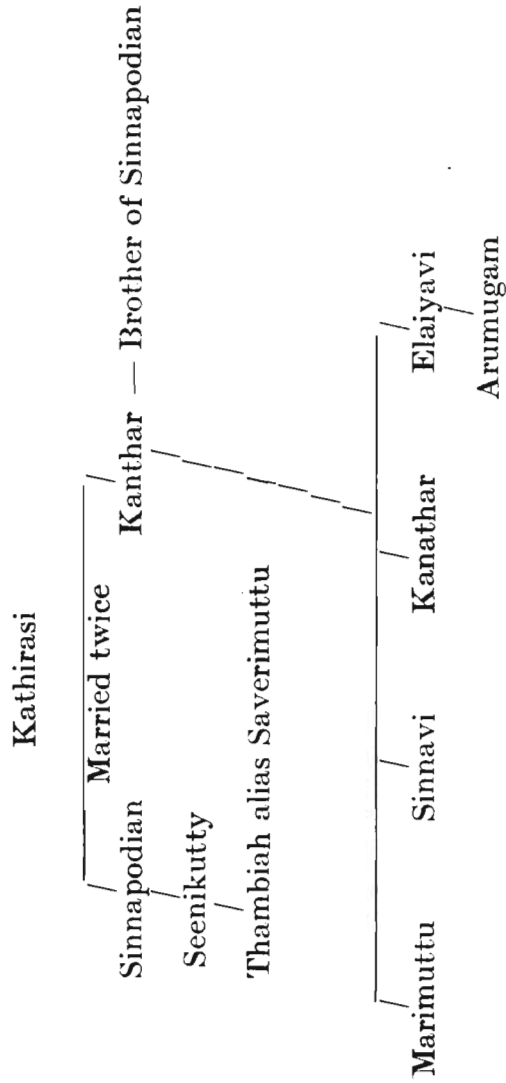
29th August, 1940.

Pedigree of 2nd Added-Respondent.

Pedigree of Seenikutty Thambiah.

Case No. 605 Testamentary.

PEDIGREE.



Kathirasi is the grand mother of Kanapathy Kanthar.
the deceased.

(Sgd.) C. T. NAVARATNAM,

Proctor for Seenikutty Thambiah.

No. 24.

No. 24
Order Nisi
Entered in
the District
Court
20-1-41

Order Nisi Entered in the District Court.

ORDER NISI.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the Intestate Estate of the late
Kanpathy Kanathar of Jaffna Town.

Deceased. 10

Elaiyavan Arumugam of Karaiyoor.

Petitioner.

Vs.

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyraavan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythinan of Chandilippay.
6. Murugar Ponnar and
7. wife, Ledchumy of Chankanai. 20
8. Pathan Kanapathy and wife.
9. Ponny of Chandilippay.
10. Visuvan Kathiravelan and
11. Thangamuthy of Chandilippay.
12. Poothar Vairavi and
13. wife, Muthi of Koddadi.
14. Marucelin Anthonippillai of Kayts.

15. Sinnakkuddy Thambiah alias Saverimuttu of
 Jaffna Town.

No. 24
 Order Nisi
 Entered in
 the District
 Court
 20-1-41
Respondents.
continued.

This matter of the petition of the abovenamed petitioner praying that Letters of Administration to the estate of the abovenamed deceased be granted to the petitioner coming on for disposal before Simon Rodrigo Esquire, Additional District Judge, Jaffna on the 20th day of January, 1941 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 dated the 28th day of July, 1938.

It is ordered of consent of all the respondents abovenamed that letters of administration to the estate of the abovenamed deceased be granted to the petitioner as an heir of the deceased, unless any others having any interest appear before this Court on the 21st day of February, 1941 and show sufficient cause to the satisfaction of this Court to the contrary.

This 20th day of January, 1941.

(Sgd.) S. RODRIGO,
A. D. J.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,
Proctor for Petitioner.

No. 25
Order Nisi
Absolute
Entered in
the District
Court
8-10-41

No. 25.

Order Absolute Entered in the District Court.

ABSOLUTE "ORDER NISI."

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
Jurisdiction.
No. 605

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased. 10

This matter coming on for final determination before C.
Coomaraswamy Esquire, District Judge, Jaffna on the 21st
day of February, 1941 in the presence of Mr. C. C. Soma-
segaram, Proctor on the part of the petitioner and the
affidavit of the petitioner Elaiyavan Arumugam having
been read.

It is ordered that the order of this Court made on the
21st day of February, 1941 be made absolute and that
letters of administration to the estate of the abovenamed
deceased be issued to the petitioner, Elaiyavan Arumugam 20
of Karaiyoor.

This 8th day of October, 1941.

(Sgd.) C. COOMARASWAMY,
D. J.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,
Proctor for Present Petitioner.

No. 26.

Security Bond by the Administrator.

Prior Regn : Jaffna D 159/5, 128/216, 98/216 and 217.

No. 26
Security
Bond by the
Adminis-
trator
23-6-42

No. 2121.

SECURITY BOND BY ADMINISTRATOR.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605.

Jurisdiction.

In the matter of the Estate of the late Kanapathy
Kanthar of Karaiyoor.

Deceased.

Know all men by these presents that we, Elaiyavi Arumugam of Karaiyoor as Principal and Pavilone Sebamalai Sinnadurai and wife, Regina Annamma both of Karaiyoor and Canthavanam Chelliah and wife, Ponnamma of Colombuthurai as sureties are held and firmly bound unto Mr. Peter Gnanapiragasam of Jaffna Town, Secretary of the District Court of Jaffna or to the Secretary of that Court for the time being the said Elaiyavi Arumugam in the sum of Rupees Eighteen thousand only (Rs. 18,000/-) and the said Pavilone Sebamalai Sinnadurai and wife Regina Annamma and Canthavanam Chelliah and wife Ponnamma in the sum of Rupees Eighteen thousand only (Rs. 18,000/-) for which payment well and truly to be made to the said Peter Gnanapiragasam or to the said Secretary for the time being, we and each of us do hereby bind ourselves, our heirs, executors and administrators firmly by these presents hereby renouncing the benefits to which we as sureties are by law entitled.

Whereas by order of this Court of the 21st day of February, 1941 it is ordered that Letters of Administration of the property and estate, rights and credits of the said Kanapathy Kanthar be granted to the said Elaiyavi Arumugam, on his giving security for the due administration thereof. And whereas the estate of the said deceased has been appraised and valued at the sum of Rupees Forty four thousand seven hundred and thirty six only (Rs. 44,736/-).

No. 26
Security
Bond by the
Adminis-
trator
23-6-42
—continued.

Now the condition of this obligation is that if the above-bounded Elaiyavi Arumugam do render into this Court a true and perfect Inventory of all the property and estate, rights and credits of the said deceased, which have or shall come to possession or knowledge of the said Elaiyavi Arumugam or of any other person for him, on or before the 29th day of April, 1942 and shall well and truly administer the same according to law, and further shall render to this Court a true and just account of his said administration on or before the 2nd day of September, 1942 and shall 10 deliver and pay over the rest and residue of the said property and estate, rights and credits which shall be found remaining upon the said administration to the person or persons lawfully entitled to the same, then this obligation to be void and of none effect otherwise to remain in full force.

And for better securing the payment of the said sum of Rs. 18,000/- we the said sureties Pavilone Sebamalai Sinnadurai and wife, Regina Annamma and Canthavanam Chelliah and wife, Ponnamma do hereby hypothe- 20 cate and mortgage to and with the said P. Gnanapiragasam, the Secretary of the District Court of Jaffna or to his successors in office the lands fully described in the schedule hereto which are held and possessed by us under and by virtue of transfer deeds and donation deed dated the 2nd day of October, 1940. 20th May, 1933 and 30th March, 1900 and attested by J. A. J. Tisseveerasinghe, C. C. Somasegaram and S. Velauther, Notaries Public, under Nos. 3064, 516 and 9516 respectively.

In witness whereof we the said Elaiyavi Arumugam, 30 Pavilone Sebamalai Sinnadurai and wife, Regina Annamma and Canthavanam Chelliah and wife Ponnamma do hereunto and to two others of the same tenor and date as these presents set our hands at the respective places and dates hereinafter mentioned.

Schedule referred to above.

1. All that piece of land called "Sakkaravathivalau" in extent 15, 7/8th Kules with stone built house, kitchen, well and other appurtenances belonging thereto situated at Vannarponnai West in the Parish of Vannarponnai of the 40 Division and District of Jaffna, Northern Province and bounded on the east by the property of M. E. Rasiah and wife Marippillai and on the north, west and south by road,

2. A divided one-third share on the north with the northern share of the house measuring in length $28\frac{1}{2}$ feet and breadth 37 feet consisting of a big room, verandahs on both sides, and verandah-rooms of and in all that piece of land called "Puliyadyitpulam" in extent $11, \frac{3}{4}$ Lms. v. c. situated at Chiviatheru in the Parish of Chundikkuli in the Division and District of Jaffna, Northern Province, and which said one-third share on the north in extent $3, \frac{11}{12}$ Lms. v. c. with the share of the stone built house $28\frac{1}{2}$ feet by 37 feet and well and other appurtenances is bounded on the east by the property of Visaladchy, widow of Thiagar, north by the property of Kanthar Namasivayam, west by road, and south by the remaining portion of this land belonging to Nagamuttu T. Ramanathan.

No. 26
Security
Bond by the
Adminis-
trator
23-6-42
—continued.

10

3. A divided one-third share on the south with the southern share of the house measuring in $28\frac{1}{2}$ feet in length and 37 feet in breadth consisting of two big rooms and verandahs on either side and newly built room and verandahs to the east of the said house and kitchen of and in all that piece of land called "Puliyadyitpulam" in extent $11, \frac{3}{4}$ Lms. v. c. with houses, well and other appurtenances situated at Chiviatheru aforesaid and which said one-third share on the south in extent $3, \frac{11}{12}$ Lms. v. c. with the said share of house and buildings and share of well and other appurtenances belonging thereto is bounded on the east by the property of Visaladchy, widow of Thiagar, north by the property of N. T. Ramanathan and others, west by road, and south by the property of Murugar Sundarapillai.

20

30

4. All that piece of land situated at Chundikkuly in the Parish of Chundikkuly aforesaid called "Aiyakkaran-sudalai, Arianachchippulam Arianachchippulam" in extent 30 Lms. v. c. with house, well and plantations and bounded on the east by the property of Rasamma, wife of Chellappah and sand road, north by the property of Nagamuttu Navaratnam, west by the property of Ambalavanar Somasundaram, and south by the property of Anthonipillai Rapiel and others.

40

(Sgd.) E. Arumugam,

This is the signature of E. Arumugam.

(Sgd.) P. S. Sinnathurai.

No. 26
Security
Bond by the
Adminis-
trator
23-0-42
—continued.

(Sgd.) S. Annamma,

This is the signature of Annamma.

Signed by the said Elaiyavi Arumugam, Pavilone Sebamalai Sinnadurai and wife, Regina Annamma at Karaiyoor, Jaffna on this Twenty third day of March, One thousand nine hundred and forty two in the presence of us and we aver and declare that we are well acquainted with the executants hereof and know their proper names residence and occupation.

Witnesses :

10

1. (Sgd.) L. Bastiampillai,
This is the signature of L. Bastiampillai.
2. (Sgd.) A. Soosaippillai,
This is the signature of A. Soosaippillai.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

(Sgd.) K. Chelliah.

(Sgd.) P. Chelliah.

Signed by the said Kanthavanam Chelliah and wife, Ponnamma at Colombuthurai, Jaffna on this Twenty third day of March, One thousand nine hundred and forty two, in the presence of us.

Witnesses :

1. (Sgd.) M. Ponnambalam.
This is the signature of M. Ponnambalam.
2. (Sgd.) S. Sinnathurai.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

I, Canthavanam Chelliah Somasegaram of Jaffna, Notary Public, do hereby certify and attest that the foregoing 30 instrument was read over and explained by me to the said Elaiyavi Arumugam, Pavilone Sebamalai Sinnadurai and wife, Annamma of whom the first and second named are

known to me and the third named is not known to me and all of whom signed in Tamil in the presence of Lazarus Bastiampillai and Arulappau Soosaippillai both of whom are known to me the same was signed by the said executants and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Karaiyoor, Jaffna on this Twenty third day of March, One thousand nine hundred and forty two.

No. 26
Security
Bond by the
Adminis-
trator
23-6-42
—continued.

10 I further certify and attest that the duplicate hereof bears six stamps of the value of Rs. 149/- and original one stamp of the value of Re. 1/- and the said stamps were supplied by me and that before the foregoing instrument was read over and explained by me as aforesaid in the duplicate in page 1 line 3 "g" was written over and in line 5 and 13 "Phillip" was struck off and "Peter" was interpolated and in page 2 line 3 "rt" was typed over.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

Date of attestation :

2023rd March, 1942.

(Seal)

30 I, Canthavanam Chelliah Somasegaram of Jaffna, Notary Public do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Canthavanam Chelliah and wife, Ponnamma both of whom are known to me and both of whom signed in English as "C. Chelliah" and "P. Chelliah" in the presence of Mailvaganam Ponnambalam of Vannarponnai East and Sellappah Sinnathurai of Chiviatheru the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executants and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Colom-buthurai, Jaffna on this Twenty third day of March, One thousand nine hundred and forty two.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

Date of attestation :

23rd March, 1942.

40

(Seal)

Inventory.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
No. 605
Jurisdiction.

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

Elaiyavi Arumugam of Karaiyoor, Jaffna. 10

Administrator.

A just true and perfect Inventory of all the property
movable and immovable and rights and credits and goods
and chattels of the estate of the abovenamed deceased by
the administrator hereof.

MOVABLES :	Rs.	cts.
1. Amount due from V. Chinniah and wife, Sethuppillai of Vannarponnai East on bond No. 17105 of 28-11-32 attested by B. Joachimpillai, N. P.		20
	Rs. cts.	
Principal still due -	915 00	
Interest up to date of death -	165 00	
	<hr style="width: 100px; margin-left: 0;"/>	1080 00
2. Amount due from Mariampillai A. Rajen- diram of Karaiyoor on bond No. 2887 of 29-1-38 and attested by J. A. J. Thissai- veerasinghe, N. P.		
Principal - -	1350 00	
Interest - -	40 50	
	<hr style="width: 100px; margin-left: 0;"/>	1390 50 ³⁰

			Rs.	cts.	No. 27 Inventory 26-6-42 —continued.
3.	Amount due from Thambimuttu Rasiah on bond No. 2743 of 27-1-36 and attested by ditto.				
			Rs.	cts.	
	Principal	-	1800	00	
	Interest	-	420	00	
			<hr/>		2220 00
4.	Amount due from Vincent Muthiah Anthonipillai and wife, Mary on bond No. 18821 of 18-4-36 attested by B. Joachimpillai N. P.				
10	Principal	-	500	00	
	Interest	-	65	00	
			<hr/>		565 00
5.	Amount due from Vaithiampillai Samuel and wife, Anthirasiappillai on bond No. 19426 of 18-10-37 attested by ditto.				
	Principal	-	200	00	
	Interest	-	14	00	
			<hr/>		214 00
6.	Amount due from Rapiel Anthonippillai and wife, Marippillai on bond No. 18970 of 10-9-36 attested by ditto.				
20	Principal	-	1500	00	
	Interest	-	300	00	
			<hr/>		1800 00
7.	Amount due from Kanapathippillai Soosai-pillai Sabapathy and wife, Adaikkalamary on bond No. 19483 of 20-12-37 attested by ditto.				
	Principal	-	500	90	
	Interest	-	20	00	
			<hr/>		520 00

No. 27
Inventory
26-6-42
—continued.

		Rs. cts.		
8. Amount due from Michael Arulanantham and wife, Piragasi on bond No. 19485 of 20-12-37 attested by ditto.				
			Rs. cts.	
Principal	-	-	1500 00	
Interest	-	-	67 50	
			<hr/>	1567 50
9. Amount due from Marippillai, daughter of Nicholas on bond No. 19455 of 19-11-37 attested by ditto.				
Principal	-	-	350 00	
Interest	-	-	21 00	
			<hr/>	371 00
10. Amount due from Saravanai Ramalingam on bond No. 2683 of 3-8-35 and attested by J. A. J. Tissaiveerasinghe, N. P.				
Principal	-	-	1300 00	
Interest	-	-	365 00	
			<hr/>	1665 00 20
11. Amount due from Cecilia, wife Manuelpillai on bond No. 17986 of 21-8-34 and attested by B. Joachimpillai, N. P.				
Principal	-	-	850 00	
Interest	-	-	157 50	
			<hr/>	507 50
12. Amount due from Thomas Mariampillai Anthony and wife, Anchaniapillai on bond No. 19302 of 8-7-37 and attested by ditto.				
Principal	-	-	1800 00	30
Interest	-	-	233 50	
			<hr/>	3033 50

				Rs.	cts.	No. 27 Inventory 26-6-42 —continued.
13.	Amount due from Kathiravelu Soosaipillai and wife, Francisca on bond No. 2797 of 20-7-36 and attested by ditto,					
				Rs.	cts.	
	Principal	-	-	1000	00	
	Interest	-	-	185	00	
				<u>1185</u>	00	1185 00
14.	Amount due from J. Soosaipillai on mortgage bond	-	-	-	-	1100 00
15.	Amount due from Eliathamby Sinnathurai personally and as legal representative of the estate of his late wife Gnanamma on decree in case No. 10698 D. C. Jaffna.					
	Decreed amount	-	-	408	00	
	Interest from 22-10-36	-	-	68	14	
	Cost of suit	-	-	129	75	
				<u>595</u>	89	595 89
16.	Amount due from Eliza, widow of Kaviriel Alfred personally and as legal representative of the estate of her husband Kaviriel Alfred in decree in case No. 11751.					
	Decreed amount	-	-	434	00	
	Interest from 25-6-37	-	-	35	81	
	Cost of suit	-	-	146	90	
				<u>616</u>	71	616 71
17.	Amount due from Vaithiampillai Manuelpillai and wife, Mary Josephine and Arokiam, widow of Vaithiampillai on a promissory note dated 14-12-1936.					
	Principal	-	-	246	00	
	Interest	-	-	41	82	
				<u>287</u>	82	287 82

No. 27
Inventory
26-6-42

—continued.

				Rs.	cts.
18.	Iron Safe	-	-	50	00
19.	Big Almyrah	-	-	20	00
20.	Small Almyrah (3)	-	-	40	00
21.	Two Boxes	-	-	10	00
22.	Two Almyrahs Dialwood	-	-	8	00
23.	One Table	-	-	3	00
24.	Six Chairs	-	-	6	00
25.	Two Benches	-	-	1	00
26.	Nine Big Bottles	-	-	4	50 10
27.	240 Small Bottles with medicine and oils and empty			4	00
28.	Medicine worth	-	-	50	00
29.	Four Cooking Brass Vessels	-	-	2	50
30.	Aluminium Tiffin Carrier	-	-	1	00
31.	Gold Medical Chest	-	-	8	00
32.	Four Grinding Stones	-	-	10	00
33.	Two Motor Stones	-	-	1	00
34.	One Iron Pestle	-	-		50
35.	Gold Ring with Blue	-	-	25	00
36.	Medical Books and edu	-	-	10	00 20
37.	One Small Motor	-	-		50
38.	One St. Thomas Clock	-	-	25	00
39.	Six Easy Chairs	-	-	6	00
40.	Three Pictures	-	-	1	00
41.	One Bed	-	-	8	00
42.	One Bench	-	-	1	50
43.	One Sofa	-	-	4	00
44.	Iron Presser	-	-	2	50
45.	One Kettle	-	-	1	50
46.	Stone Motors (2)	-	-	3	00 80
47.	One Jar	-	-		50
48.	One Mirror	-	-	2	00
42.	One Betel Tray	-	-		50
49A.	Arrears of rent due from Mrs. K. V. Sinnathurai due at date of deceased's death	-	-	150	00

IMMOVABLE PROPERTIES.

No. 27
Inventory
26-6-42
—continued.

	50. All that piece of land called "Santhiravantharai" in extent about 15 kulies with house, and plantations situated at Karaiyoor, Jaffna and bounded on the east by lane, north by the property of Pethar Sipriampillai, west by the property of Elizabeth, widow of Sepathai, and south by road, worth	750 00
10	51. All that land called "Thavasitharai" in extent 15, 14/16 Kls. with house, boutique, well and other appurtenances situated at Karaiyoor, and bounded on the east by the property of Rapiel Santhia, north by the property of the heirs of the late Elizabeth, wife of Peduru, and west and south by roads, worth	2000 00
20	52. Land called "Vilankulampulam" in extent 5 Lms. v. c. with house and appurtenances situated at Chundikkuli, Jaffna and bounded on the east by the property of Devasagayampillai Thamiampillai and wife. Maripillai, north by road, west by the property of Nicholapillai Anthiresu and wife Elizabeth, and south by the property of Ariacutty Sivaguru and shareholders, worth	1250 00
30	53. All that piece of land situated at Vannarponnai East called "Uwayaiyady" in extent 3 Lms. v. c. and bounded on the east by the property of M. Rajasooriar, north by bye-lane, west by the property of Nagamuttu Vathilingam and on the south by the property of Kanthan Kathiravelan, worth	750 00
	54. Land situated at do. called do. in extent 2 Lms. v. c. and bounded on the east and west by the property of the deceased, north by bye-lane, and south by the property of Kanthappar Sithambalam and others, worth	500 00
40	55. All that piece of land called "Uvayady" in extent 2 Lms. v. c. and 12, 68/100 Kls. with stone built house and other appurtenances belonging thereto situated at Vannarponnai East, and bounded on the east by	

No. 27
Inventory
28-6-42
—continued.

	Rs.	cts.
the property of the deceased, north by bye-lane, west by road, and south by the property of Kanthappillai Sithampalam, worth	2250	00
56. All that piece of land situated at do. called do. in extent 23 Lms. v. c. and bounded on the east by the property of the children of Vyramuttu Chellappah and by the property of Chellam, wife of Sithamparapillai, north by the property of Achchimuttu, wife of Kandiah, Nagamuttu, widow of Saravannamuttu and others and road, and west by road and on the south by bye-lane and the property belonging to the deceased.	10500	00
57. All that piece of land situated at Karaiyoor called Santhiravantharai in extent 2 Lms. v. c. and 17, 3/4th Kls. with house, and well and other appurtenances and bounded on the east and north by road, west by the property of Annappillai, widow of Iyakkopillai, and lane and south by the property of Vythy Entry and others.	2350	00
58. All that piece of land situated at do. called "Santhiraventhara" in extent 1 1/2 Lms. v. c. and bounded on the east by road, north by the property of the deceased, west by lane, and on the south by the property of Rebecca, widow of Thambiah.	1200	00
59. All that piece of land situated at do. called do. in extent 1 1/2 Lms. v. c. and bounded on the east by road, north by the property of the deceased, west by lane, and south by the property of John Chellathurai.	1200	00
60. All that piece of land situated at do. called "Kudiyiruppu" in extent 2 Lms. v. c. and 2 Kls. and bounded on the east by lane, north by road, west by the property of Sinnamma, wife of Ponniah, and south by the property of Poothar Thambipillai.	1650	00
61. All that piece of land called "Matarpallam" in extent 10 acres and 36 perches situated at Madduvilnadu, in the Parish of		40

		Rs.	cts.	No. 27 Inventory 26-6-42 —continued.
	Punakari and bounded on the east by reservation for a road, north by lots 80 and 81 in P. P. 5624, west by Nallatannikulakadu said to be crown land, and on the south by lots 77 and 78 in P. P. 5634.	153	00	
10	62. All that piece of land situated at Karaiyoor, called "Avidaiyankadu" in extent 1 Lms. v. c. and 10, 7/16 Kls. and bounded on the east, west and south by road, and north by the property of Clara, wife of Silvester, of this 1/4th share, worth	190	00	
	63. Land situated at do. called "Poothansudukaduppulam in extent 2 Lms. v. c. and 14 Kls. and bounded on the east by road, north by the property of the heirs of Victoria, widow of K. Saverimuttu and sister, and south by lane.	830	00	
		44752		92
20	Property held by the deceased in trust for certain Saverimuttu Michael and wife, Tirasipillai of Chundikkuli.			
	64. All that piece of land situated at Chundikkuli, called "Muthalikkulampulam" in extent 4 Lms. v. c. and 13 $\frac{3}{4}$ with mud house, kitchen, well and bounded on the east and north by the property of the heirs of Anthonipillai Kavireilpillai west by the property of the heirs of the said A. Kavireilpillai and road and south by the property of Vaithy Manuel.			
30	(Intd.) C. C. S.	1450	00	
		1450		00
	(Intd.) C. C. S.	1450	00	

(Sgd.) In Tamil E. Arumugam,
Administrator.

I, Elaiyavi Arumugam of Karaiyoor, Jaffna do hereby solemnly, sincerely and truly affirm and declare as follows :-

No. 27
Inventory
26-6-42
—continued.

1. I am the administrator abovenamed.

2. To the best of my knowledge, information and belief the above written Inventory contains a just, true and perfect account of the properties movable and immovable and rights and credits and goods and chattels of the estate of the abovenamed deceased so far as I have been able to ascertain the same with my due diligence.

The contents of the foregoing affidavit were read over and explained by me to the deponent who appeared to understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna, this 26th day of June, 1942.

(Sgd.) E. Arumugam,

(In Tamil)

Before me :

(Sgd.) R. R. NALLIAH,

J. P.

Drawn by :

20

(Sgd.) C. C. SOMASEGARAM,

Proctor for Administrator.

No. 28.

No. 28
Affidavit of
Chellamma
wife of
Phillip
19-11-43

Affidavit of Chellamma, wife of Phillip.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.

10

Elaiyavi Arumugam of Karaiyoor (dead).

*Deceased.**Petitioner.**Vs.*

20

1. Chinnan, wife of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythian of Chandilippay.
6. Murugar Ponnar and wife,
7. Ledchumy of Chankanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravi and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
15. Sinnakkuddy Thambiah alias Saverimuttu of
Jaffna Town.
16. Rasamny, widow of Muttu of Karaiyoor.

30

Respondents.

No. 28
Affidavit of
Chellamma
wife of
Phillip
19-11-43
—continued.

I, Chellamma, wife of Phillip of Karaiyoor do hereby solemnly, sincerely and truly affirm and declare as follows :-

1. I am the daughter of Elaiyavi Arumugam of Karaiyoor the petitioner abovenamed who is now dead.

2. That my father the petitioner abovenamed was granted Letters of Administration to the estate of the abovenamed deceased as sole heir to the said estate and the claim of the abovenamed 1st to 15th respondents to be heirs to the said estate having not yet been decided.

3. That after the issue of Letters of Administration to the abovenamed petitioner he died in or about the 30th day of April, 1943 leaving behind a Last Will and Testament dated 29th April, 1943 and attested by C. C. Somasegaram, Notary Public under No. 2355 and appointed me as the Executrix of the said Last Will.

4. That I produced the said Last Will in Testamentary case No. 167 of this Court and proved the said Will and order Absolute had been entered in the said case No. 167 and the said Last Will admitted to Probate.

5. That for the purpose of proceeding on with this case and to file the necessary accounts it is necessary that my name should be substituted in the record in place of the deceased petitioner (my father) and that Letters of Administration de bonis non should be issued to me as the Executrix of the Last Will and Testament of the abovenamed petitioner and as one of the heirs of the said petitioner. The other heir of my late father Arumugam is my sister the 16th respondent.

6. To the best of my knowledge and information there are no others interested in this estate except me and my sister the abovenamed 16th respondent.

The contents of the foregoing affidavit was read over and explained by me to the deponent who appeared to understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna, this 19th day of November, 1943.

(Sgd.) M. Sellammah,
(In Tamil)

Before me :

(Sgd.)
J. P. 40

Drawn by :

(Sgd.) C. C. SOMASEGARAM,

Proctor for petitioner Chellammah.

No. 29.

Petition of Chellamma, wife of Phillip.
IN THE DISTRICT COURT OF JAFFNA.

No. 20
 Petition of
 Chellamma
 wife of
 Phillip
 22-11-43

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
 Kanapathy Kanthar of Jaffna Town.

Deceased.

10

(Dead.) Elaiyavi Arumugam of Karaiyoor.

Original Petitioner,
Administrator.

Chellamma, wife of Phillip of Karaiyoor.

*Petitioner.**Vs.*

20

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythian of Chandilippay.
6. Murugar Ponnar and wife,
7. Ledchumy of Chankanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravi and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
15. Sinnakkuddy Thambiah alias Saverimuttu of
 Jaffna Town.
16. Rasamany, widow of Muttu of Karaiyoor.

30

Respondents.

No. 29
Petition of
Chellamma
wife of
Phillip
22-11-43
—continued.

On this 22nd day of November, 1943.

The petition of the abovenamed petitioner appearing by Mr. C. C. Somasegram, her Proctor states as follows:—

1. The petitioner is the daughter of the abovenamed original petitioner who is now dead.
2. That the petitioner's father, the original petitioner was granted Letters of Administration to the estate of the abovenamed deceased as sole heir to the said estate and the claim of the abovenamed 1st to 15th respondents to be heirs to the estate of the abovenamed deceased having not yet been decided.
3. That after the issue of Letters of Administration to the abovenamed original petitioner he died in or about the 30th day of April, 1943, leaving behind a Last Will and Testament dated 29th April, 1943 and attested by C. C. Somasegaram, Notary Public, under No. 2355 and appointed the petitioner as the executrix of the said Last Will.
4. The petitioner produced the said Last Will in Testamentary case No. 167 of this Court and proved the said Will and order Absolute had been entered in the said case No. 167 and the said Last Will admitted to Probate.
5. That for the purpose of proceeding on with this case and to file the necessary accounts it is necessary that the petitioner's name should be substituted in the record

U.S. [REDACTED]

in place of the original petitioner and that Letters of Administration de bonis non be issued to the petitioner as the executrix of the Last Will and Testament of the abovenamed original petitioner and as one of the heirs of the said original petitioner. The other heir of the estate of the said original petitioner is the petitioner's sister the 16th respondent abovenamed.

No. 29
Petition of
Chellamma
wife of
Phillip
22-11-48
—continued.

10 6. To the best of the petitioner's knowledge and information there are no others interested in this estate except the petitioner and her sister the abovenamed 16th respondent.

7. An affidavit of the petitioner in support of the above facts is filed herewith.

Wherefore the petitioner prays that Letters of Administration de bonis non to the estate of the abovenamed deceased be issued to the petitioner as the Executrix and heir of the abovenamed original petitioner.

For costs and for such other and further relief as to this Court shall seem meet.

20

(Sgd.) C. C. SOMASEGARAM,

Proctor for Petitioner.

No. 30
Affidavit of
Sinnavy
Arumugam
22-11-48

No. 30.

Affidavit of Sinnavy Arumugam.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

S. S. Aiyadurai of Jaffna Town.

10

Petitioner.

Vs.

Arokiam, widow of Sebasty of Jaffna.

Respondent.

Elaiyavi Arumugam of Karaiyoor.

Added-Respondent.

In the matter of the Petition for substitution in place
of the deceased 2nd Added-Respondent of Sinnavy Arumu-
gam, the Executor of the Last Will and Testament of the
2nd Added-Respondent, Senny, widow of Murugan of 20
Chankanai.

Sinnavy Arumugam of Vannarponnai.

Petitioner.

I, Sinnavy Arumugam of Vannarponnai do hereby
solemnly, sincerely and truly declare and affirm as follows :-

1. That I am the Petitioner abovenamed.
2. That I am the nephew of the deceased 2nd Added-
Respondent and the Executor appointed by her Last Will

dated 22-6-43 attested by M.R. Karalasingam, under No. 375 which in my custody and is now been deposited with the Secretary of this Court.

No. 20
Affidavit of
Sinnavy
Arumugam
22-11-43
—continued.

10 3. The 2nd Added-Respondent died on the 8th day of July, 1943 within the jurisdiction of this Court devising by the Last Will her inheritance from Kanapathy Kanthar, whose estate is being administered in the above case, to her grand children Arumugam Veerasingham and wife Packiam, her nephews, Kanapathy Chelliah and to me as shown in the said Last Will.

4. The 2nd Added-Respondent by her petition and affidavit dated 19-8-38 in the above case claimed to be the sole heir of K. Kanthar as the daughter of the paternal uncle of the said K. Kanthar.

20 5. It has therefore become necessary that I, as executor of the Last Will of the 2nd Added-Respondent should be substituted in her place in these proceedings in order to prove her heirship to the estate of K. Kanthar and thereafter to obtain Probate of the said Will and distribute the said estate accordingly.

The contents hereof was read over and explained by me to the deponent who appeared perfectly to understand the same signed and affirmed to the truth and correctness hereof at Jaffna, on this 22nd day of November, 1943.

(Sgd.) S. Arumugam,

(In Tamil).

Before me :

(Sgd.) R. R. NALLIAH,

J. P.

30 Drawn by :

(Sgd.) M. R. KARALASINGAM,

Proctor for Petitioner.

No. 31
Order Nisi
Entered in
the District
Court
22-11-43

No. 31.

Order Nisi Entered in the District Court.

ORDER NISI.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.

Deceased. 10

(Dead). Elaiyavi Arumugam of Karaiyoor.

*Original Petitioner,
Administrator.*

Chellamma, wife of Phillip of Karaiyoor.

Petitioner.

Vs.

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythian of Chandilippay.
6. Murugar Ponnar and wife,
7. Ledchumy of Chankanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.

10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravi and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
15. Sinnakkuddy Thambiah alias Saverimuttu of
Jaffna Town.
16. Rasamany, widow of Muttu of Karaiyoor.

No. 31
Order Nisi
Entered in
the District
Court
22-11-43
—continued.

Respondents.

10

This matter coming on for disposal before James Joseph Esquire, District Judge of Jaffna on the 22nd day of November, 1943, 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.

20

It is ordered that Letters of Administration de bonis non to the estate of the abovenamed deceased be issued to the petitioner as the executrix and one of the heirs of the abovenamed original petitioner, unless the abovenamed respondents appear before this Court on or before the 20th day of December, 1943, and show sufficient cause to the satisfaction of this Court to the contrary.

This 22nd day of November, 1943.

(Sgd.) JAMES JOSEPH,

D. J.

No. 32
Petition of
Sinnavy
Arumugam
11-11-44

No. 32.

Petition of Sinnavy Arumugam.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
No. 605
Jurisdiction.

In the matter of the estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

S. S. Aiyadurai of Jaffna.

Petitioner. ¹⁰

Vs.

Arokiam, widow of Sebastian of Jaffna.

Respondent.

Elaiyavi Arumugam of Karaiyoor.

Added-Respondent.

In the matter of the Petition for substitution in place
of the deceased 2nd Added-Respondent of Sinnavy
Arumugam, the Executor of the Last Will and Testament
of the 2nd Added-Respondent, Senny, widow of Murugan ²⁰
of Chankanai.

Sinnavy Arumugam of Vannarponnai.

Petitioner.

On this 11th day of November, 1944.

The petition of the Petitioner abovenamed appearing
by M. R. Karalasingham, his Proctor, states as follows :—

1. The petitioner is the nephew of the deceased 2nd
Added-Respondent and the Executor appointed by her by
her Last Will dated 22-6-43 attested by M. R. Karala-

singham under No. 375 which was in the petitioner's custody and has now been deposited with the Secretary of this Court.

No. 32
Petition of
Sinnavy
Arumugam
11-11-44
—continued.

2. The 2nd Added-Respondent died on the 8th day of July, 1943 within the jurisdiction of this Court devising by the said Last Will her inheritance from Kanapathy Kanthar, whose estate is being administered in the above case, to her grand children Arumugam Vecrasingham and wife Paekiam, her nephews, Kanapathy Chelliah and to the petitioner as shown in the said Last Will.

10

3. The 2nd Added-Respondent by his petition and affidavit dated 19-8-38 in the above Case claimed to be the sole heir of K. Kandiah as the daughter of the paternal uncle of the said K. Kanthar.

4. It has therefore become necessary tht thae Petitioner as Executor of the Last Will of the 2nd Added-Respondent, should be substituted in her place in these proceedings in order to prove her heirship to the estate of K. Kanthar and thereafter to obtain Probate of the said Will and distribute the estate accordingly.

20

Wherefore the Petitioner prays :—

(a) That the Petitioner as Executor of the Last Will of the deceased 2nd Added-Respondent be substituted in place of the deceased 2nd Added-Respondent.

(b) The Probate of the said Last Will No. 375 of 22-6-43 be granted to the Petitioner for the said purpose.

(c) For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) M. R. KARALASINGHAM,

Proctor for Petitioner.

30

No. 33
Petition of
Chellamma
wife of
Phillip
21-4-44

No. 33.

Petition of Chellamma, wife of Phillip.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.

Deceased.

(Dead). Elaiyavi Arumugam of Karaiyoor. 10

Original Petitioner.

Administrator.

Chellamma, wife of Phillip of Karaiyaor.

Petitioner.

Vs.

1. Chinnan, widow of Murugan of Chankanai'
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythian of Chandilippay. 20
6. Murugar Ponnar and wife,
7. Ledchumy of Chankanai.
8. Pathan Kanapathy and wife,
9. Ponna of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravi and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
15. Sinnakkuddy Thambiah alias Saverimuttu of 80
Jaffna.
16. Rasamany, widow of Muttu of Karaiyoor.

Respondents.

1. Arumugam Veerasingam and wife,
2. Packiam both of Uduvil.
3. Kanikkaimuttu alias Rebecca, widow of Anthonippillai
of Moolai Road, Chundikkuli.

*Substituted Respondents in place of
1st & 15th Respondents.*

On this 21st day of April, 1944.

40

The petition of the abovenamed Petitioner appearing
by Mr. C. C. Somasegaram, her Proctor, states as follows :--

1. That the petitioner's father the abovenamed original petitioner (administrator) after obtaining Letters of Administration to the estate of the abovenamed deceased died in or about the 30th day of April, 1943 leaving behind a Last Will and Testament dated 29th April, 1943 and attested by C. C. Somasegaram, Notary Public, under No. 2355 and appointed the petitioner as the Executrix of his said Last Will.

No. 33
Petition of
Chellamma
wife of
Phillip
21-4-44
—continued.

10 2. The petitioner applied for Letters of Administration de bonis non to the estate of the abovenamed deceased and issued order on the abovenamed respondents to show cause why Letters of Administration de bonis non to the estate of the abovenamed deceased should not be issued to the petitioner.

3. That the said *Order Nisi* was served on all the respondents except the 1st and 15th respondents who are reported dead.

20 4. That for the purpose of proceeding on with this case it is necessary that the heirs of the 1st and 15th respondents should be substituted in the record in their place.

5. To the best of my knowledge, information and belief the heirs of the said 1st respondent (2nd added-respondent in the original petition) are her grand children the 1st and 2nd substituted respondents abovenamed and their of the 15th respondent is his daughter the abovenamed 3rd substituted respondent.

30 6. It is therefore necessary to substitute the 1st and 2nd substituted respondent in place of the deceased 1st respondent abovenamed (2nd added-respondent) and the 3rd substituted respondent in place of the deceased 15th respondent abovenamed as heirs of the said 1st and 15th respondents.

7. An affidavit of the petitioner in support of the above facts is filed herewith.

40 Wherefore the petitioner prays that the 1st and 2nd substituted respondents be substituted in the record in place of the deceased 1st respondent 2nd added-respondent in the original petition and the 3rd substituted respondent be substituted in the record in place of the deceased 15th respondent and *Order Nisi* to show cause why the present petitioner should not be appointed administratrix de bonis non be issued for service on them.

For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) C. C. SOMASEGARAM,
Proctor for Petitioner.

No. 34
Affidavit of
Chellamma
wife of
Phillip
21-4-44

No. 34.

Affidavit of Chellammah, wife of Phillip.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.

Deceased.

(Dead). Elaiyavi Arumugam of Karaiyoor. 10

*Original Petitioner,
Administrator.*

Chellamma, wife of Phillip of Karaiyoor.

Petitioner.

Vs.

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Chandilippay.
4. Velan Marimuthan of Chandilippay.
5. Velan Vythian of Chandilippay. 20
6. Murugar Ponnar and wife,
7. Ledchumy of Chankanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravi and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
- (Dead). 15. Sinnakkuddy Thambiah alias Saverimuttu of 80
Jaffna.
16. Rasamany, widow of Muttu of Karaiyoor.

Respondents.

- In place of 1st respdt. { 1. Arumugam Veerasingam and his wife,
In place of 15th respdt. { 2. Packiam both of Uduvil.
{ 3. Kanikkaimuttu alias Rebecca, widow of Anthonippillai
of Moolai Road, Chundikkuli.

*Substituted Respondents in place of
1st & 15th Respondents.*

I Chellamma, wife of Phillip of Karaiyoor, do hereby solemnly, sincerely and truly make oath and declare as follows :—

No. 34
Affidavit of
Chellamma
wife of
Phillip
21-4-44
—continued.

1. I am the petitioner abovenamed.

2. That my father the abovenamed original petitioner (administrator) after obtaining Letters of Administration to the estate of the abovenamed deceased died in or about the 30th day of April, 1943 leaving behind a Last Will and Testament dated 29th April, 1943 and attested by C. C. Somasegaram, Notary Public, under No. 2355 and appointed me as the Executrix of his said Last Will.

10

3. I applied for Letters of Administration de bonis non to the estate of the abovenamed deceased and issued *Order Nisi* on the abovenamed respondents to show cause why Letters of Administration de bonis non to the estate of the abovenamed deceased should not be issued to me.

4. That the said *Order Nisi* was served on all the respondents except the 1st and 15th respondents who are reported dead.

20

5. That for the purpose of proceeding on with this case it is necessary that the heirs of the 1st and 15th respondents should be substituted in the record in their place.

6. To the best of my knowledge, information and belief the heirs of the said 1st respondent (2nd Added-Respondent in the original petition) are her grand children the 1st and 2nd substituted respondents abovenamed and the heir of the 15th respondent is his daughter the abovenamed 3rd substituted respondent.

30

7. It is therefore necessary to substitute the 1st and 2nd substituted respondents in place of the deceased 1st respondent abovenamed (2nd Added-Respondent) and the 3rd substituted respondent in place of the deceased 15th respondent abovenamed as heirs of the said 1st and 15th respondents abovenamed.

The contents of the foregoing affidavit was read over

No. 34
Affidavit of
Chellamma
wife of
Phillip
21-4-44
—continued.

and explained by me to the deponent who appeared to understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna, on this 21st day of April, 1944.

(Sgd.) P. Chellamma,
(In Tamil).

Before me :

(Sgd.)
J. P.

Drawn by :

10

(Sgd.) C. C. SMOASEGARAM,
Proctor for Petitioner.

No. 35.

Final Account.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the estate of the late Kanapathy
Kanthar of Karaiyoor, Jaffna.

20

Deceased.

Chellamma, wife of Pavilu Phillip of Karaiyoor.

Admnistratrix de bonis non.

A just true and perfect Final Account of all the properties movable and immovable and rights and credits goods and chattels of the estate of the abovenamed deceased by the administratrix hereof.

DR.		Rs.	cts.	No. 35 Final Account 31-7-46 <i>—continued.</i>
	1. To amount value of immovables shown under items 50, 52 to 64 of the Inventory	23573	00	
	2. To amount value of immovable properties shown under item 51 of the Inventory held under a conditional transfer and re transferred in terms of settlement arrived at in case No. 35 D. C. Jaffna	2500	00	
10	3. To amount value of movables shown under items 18 to 49 of the Inventory	310	50	
	4. To amount recovered on mortgage bonds shown under items 1, 3 to 13 and 16 of the Inventory	17050	00	
	5. To amount of mortgage bond shown under item 2 of the Inventory put in suit in case No. 17776 D. C. Jaffna on mortgaged land purchase for	2296	40	
20	6. To amount due on bond shown under item 14 of the Inventory was in terms of the bond due to Sebastian Aiyadurai, original petitioner on the death of the deceased	1100	00	
	7. To amount due in case No. 10698 D. C. Jaffna shown under item 15 of the Inventory	650	00	
	8. To amount due on promissory note shown under item 17 of the Inventory, irrecoverable as defendants not possessed of property	287	82	
	9. To amount of Loan Board divided to end of December, 1945	919	15	
30	10. To amount of total rent collected from immovable properties	1556	00	
	11. To amount of rent still due from Mr. K-V. Sinnathurai	838	00	
	12. To amount of balance costs still due to Proctor for Administrator.	2045	10	

No. 35
Final
Account
31-7-46
—continued.

	Rs.	cts.
13. To amount of balance due to the Administratrix from the estate	8161	08
	54942	05
1. By amount value of immovables shown under items 1 and 5 of the debit side of this taken charge of by the heirs the administratrix and 16 respondent	25869	40
2. By amount value of movables shown under item 3 of the debit side of this account taken charge of by the heirs the administratrix and 16th respondent	310	00
		10
3. By amount due under item 6 of the debit side of this account taken by Sebastian Aiyadurai in terms of the bond itself	1100	00
4. By amount due on pro-note sued in case No. 287 and could not be recovered and mentioned under item 8 of the debit side of this account	287	82
5. By amount due in case No. 10698 D. C. Jaffna and defendant applied to re mortgage his minor child's land for payment of same in case No. — G of this Court to be recovered and mentioned under item 7 of the debit side of this account	650	00
6. By amount paid to Sebastian Aiyadurai original petitioner in terms of the settlement order <i>Vide</i> order dated 6th May, 1940, receipt R1 filed of record on 26-7-44	2000	00
7. By amount paid Mr. Ponnappa, Commissioner for his Commission, poundage and stamps and fees for conditions of sale, advertisement charges, receipt R2 filed	114	02
		30
8. By amount of charges for copy of order, confirming sale and stamps and fees for conveyance, receipt R3 filed of record	85	00

	9. By amount paid for Elias for decree against the estate in case No. 96/A C. R. Jaffna, receipt R4 filed herewith	140	00	No. 35 Final Account 31-7-46 —continued.
	10. By amount of taxed costs of administration	3635	35	
	11. By amount of funeral expenses	700	00	
	12. By amount of Commission due to the administratrix at $1\frac{1}{2}$ per cent as per order of Court dated 1-4-46	671	28	
10	13. By amount of costs incurred in connected recovery cases and land cases, receipt R5 filed.	1710	75	
	14. By amount paid as Estate Duty <i>vide</i> J. entry of 2-9-41	488	36	
	15. By amount paid as Income Tax under protest <i>Vide</i> J. E. of 29-12-43 and 27-3-44 and receipt K6 for Rs. 220/- filed herewith	1077	43	
	16. By balance amount in deposit in case as in account sheet	12180	41	
20	17. By amount of Loan Board dividend in deposit not included in the above item 16	892	95	
	18. By amount of total expenses for fencing lands and houses and for paying rates and taxes, repairs, whitewashing, etc.	2190	78	
	19. By amount of balance rent to recovered from Mr. K. V. Sinnathurai and shown under item 11 of the debit side of this account	838	00	
		<hr/>	<hr/>	
		54942	05	
		<hr/>	<hr/>	

(Sgd.) P. Chellamma,

(In Tamil).

Administratrix de bonis non,

No. 35
Final
Account
31-7-46
—*continued.*

I Chellamma, wife of Pavilu Phillip fo Karaiyoor do hereby solemnly, sincerely and truly make oath and say as follows :—

1. I am the administratrix de bonis non.

2. To the best of my knowledge, information and belief the above written Final Account contains a just, true and perfect account of all the properties movable and immovable and rights and credits and goods and chattels of the estate of the abovenamed deceased so far as I have been able to ascertain the same with my due diligence. 10

The contents of the foregoing affidavit was read and explained by me to the said deponent who appeared to understand the same perfectly and signed and sworn to the truth and correctness hereof at Jaffna, this 31st day of July, One thousand nine hundred and forty six.

(Sgd.) P. Chellamma,
(in Tamil).

Before me :

(Sgd.) C. PONNAMBALAM,

J. P. 20

Drawn by :

(Sgd.) C. C. SOMASEGARAM,

Proctor for Administratrix de bonis non.

No. 36.

No. 36
Affidavit of
Muthy
wife of
Poothar
25-4-47

Affidavit of Muthy, wife of Poothar.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
Jurisdiction.

No. 605

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.*Deceased.*

10

(Dead). Elaiyavi Armugam of Karaiyoor.

Original Petitioner.

Chellamma, wife of Phillip of Karaiyoor.

*Administratrix.**Vs.*

20

1. Chinnan, widow of Murukan of Changanai.
2. Nannian Sinnavan of Changanai.
3. Nannian Vyravan of Sandilippay.
4. Velan Marimuthan of Sandilippay.
5. Velan Vythian of Sandilippay.
6. Murugar Ponnar and wife,
7. Ledchumy of Changanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothan Vyravy and wife,
13. Muthy of Koddadi.
14. Maruchelin Anthonippillai of Kayts.
- (Dead). 15. Sinnakkuddy Thambiah alias Saverimuttu of
Jaffna Town.
16. Rasamany, widow of Muttu of Karaiyoor.

30

Respondents.

No. 36
Affidavit of
Muthy
wife of
Poothar
25-4-47
—continued.

1. Poothar Vyravy and wife,
2. Muthi of Koddady.
3. Maruchelin Anthonippillai of Kayts.

12th, 13th & 14th Respondents.

Petitioners.

Vs.

Chellamma, wife of Phillip of Karaiyoor.

*Administratrix,
Respondent.*

- | | | |
|---------|---|----|
| (Dead). | 1. Chinnan, widow of Murukan of Changanai. | 10 |
| | 2. Nannian Sinnavan of Changanai. | |
| | 3. Nannian Vyravan of Sandilippay. | |
| | 4. Velan Marimuthan of Sandilippay. | |
| | 5. Velan Vythian of Sandilippay. | |
| | 6. Murugar Ponnar and wife, | |
| | 7. Ledchumy of Changanai. | |
| | 8. Pathan Kanapathy and wife, | |
| | 9. Ponny of Sandilippay. | |
| | 10. Visuvan Kathiravelan and wife, | |
| | 11. Thangamuthy of Sandilippay. | 20 |
| | 12. Rasamany, widow of Muttu of Karaiyoor,
and 3 others. | |

Respondents

I Muthy, wife of Poothar Vyravy of Koddady, Jaffna do hereby solemnly, sincerely and truly declare and affirm as follows :—

1. I am the abovenamed 13th respondent-petitioner.
2. That the abovenamed original petitioner Elaiyavi Arumugam was granted Letters of Administration to administer the estate of the deceased abovenamed and after his death his daughter Chellamma, wife of Phillip the substituted petitioner was granted Letters of Administration to this estate.
3. More than one year has elapsed since the grant of betters of Administration and the Final Account has been passed.

4. By order dated 20th January, 1941 the Court reserved for subsequent adjudication of the question of heirship to the said estate.

No. 36
Affidavit of
Muthy
wife of
Poothar
25-4-47
—continued.

5. The abovenamed 2nd & 3rd petitioners are each entitled to a 1/4 share of the properties belonging to the estate as shown in the pedigree already filed of record in this case.

10 6. I state that the administratrix has not disclosed all the movables belonging to the estate and that the administratrix is not entitled to get credit for the sum of Rs. 2000/- stated under item 6 on the credit side of the Final Account and that the administratrix has not spent the sum of Rs. 2190-78 mentioned under item 18 on the credit side of the Final Account.

7. I further state that the administratrix has not accounted for the entire income recoverable from the immovable properties.

8. I pray that the estate of the abovenamed deceased be judicially settled and the estate distributed on the basis of the decree entered therein.

20 This was read over and explained to the deponent who appeared perfectly to understand to the same set her left thumb impression and affirmed to the truth and correctness hereof at Jaffna, on this 25th day of February, 1947.

X

Left thumb impression of

Muthy.

Before me :

(Sgd.)

30

J. P.

Drawn by :

(Sgd.)

Proctor for Petitioners.

No. 37
Petition of
Poothar
Vyravy and
two others
19-3-47

No. 37

Petition of Poothar Vyravy and two others.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 605

Jurisdiction.

In the matter of the intestate estate of the late
Kanapathy Kanthar of Jaffna Town.

Deceased.

Elaiyavi Arumugam of Karaiyoor.

10

Original Petitioner.

Vs.

Chellamma, wife of Phillip of Karaiyoor.

Substituted Administratrix.

Vs.

1. Chinnan, widow of Murukan of Changanai.
2. Nannian Sinnavan of Changanai.
3. Nannian Vyravan of Sandilippay.
4. Velan Marimuthan of Sandilippay.
5. Velan Vythian of Sandilippay. 20
6. Murugar Ponnar and wife,
7. Ledchumi of Changanai.
8. Pathan Kanapathy and wife,
9. Ponny of Sandilippay.
10. Visuvan Kathiravelan and wife,
11. Thangamuthy of Sandilippay.
12. Poothar Vyravy and wife,
13. Muthy of Koddady.
14. Maruchelin Anthonipillai of Kayts.
- (Dead). 15. Sinnakkuddy Thambiah alias Saverimuttu of 30
Jaffna.
16. Rasamany, widow of Muttu of Karaiyoor.

Respondents.

1. Poothar Vyravy and wife,
2. Muthy of Koddady.
3. Maruchelin Anthonipillai of Kayts.

No. 37
Petition of
Poothar
Vyravy and
two others
19-3-47
—continued.

12th, 13th & 14th Respondents,

Petitioners.

Vs.

Chellamma, wife of Phillip of Karaiyoor.

Substituted Administratrix,

Respondent.

- 10 (Dead).
1. Chinnan, widow of Murukan of Changanai.
 2. Nannian Sinnavan of Changanai.
 3. Nannian Vyravan of Sandilippay.
 4. Velan Marimuthan of Sandilippay.
 5. Velan Vythian of Sandilippay.
 6. Murugar and wife,
 7. Ledchumy of Changanai.
 8. Pathan Kanapathy and wife,
 9. Ponny of Sandilippay.
 - 20 10. Visuvan Kathiravelan and wife,
 11. Thangamuthy of Sandilippay.
 12. Rasamany, widow of Muttu of Karaiyoor,
and 3 others.

Respondents.

This 19th day of March, 1947.

The petition of the abovenamed petitioners appearing by V. S. Nadarajah their Proctor, states as follows :—

1. That the abovenamed petitioners are the 12th, 13th and 14th respondents in this case.

30 2. That the abovenamed original petitioner Elaiyavi Arumugam was granted Letters of Administration to administer the estate of the abovenamed deceased and after his death his daughter Chellamma, wife of Phillip the abovenamed substituted administratrix-respondent was granted Letters of Administration to this estate.

No. 87
Petition of
Poothar
Vyravy and
two others
19-8-47

3. More than one year has elapsed since the grant of Letters of Administration and the Final Account has been passed.

4. By order of Court dated 20th January, 1941 the Court reserved for subsequent adjudication the question of heirship to the said estate.

5. The abovenamed 2nd and 3rd petitioners are each entitled to a 1/4 share of the properties belonging to the estate as shown in the pedigree already filed of record in this case. 10

6. That the petitioners state that the administratrix respondent has not disclosed all the movables belonging to the estate and that the administratrix is not entitled to get credit for the sum of Rs. 2000/- stated under the item 6 on the credit side of the Final account and that the administratrix has not spent the sum of Rs. 2190-78 mentioned under item 18 on the credit side of the Final Account.

7. That the petitioners further states that the administratrix has not accounted for the entire income recoverable from the immovable properties. 20

8. That an affidavit of the 13th respondent-petitioner is filed in support of the above facts.

Wherefore the petitioners pray :—

(a) That the estate of the abovenamed deceased be judicially settled and the estate distributed among the heirs on the basis of the decree entered.

(b) For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) V. S. NADARAJAH,
Proctor for Petitioners. 30

No. 38.

No. 38
Affidavit of
Sinnavan
Kanapathy
17-7-47**Affidavit of Sinnavan Kanapathy.**

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

Chellamma, wife of Phillip of Karaiyoor.

*Administratrix.**Vs.*

10

1. Chinnan, widow of Murukan of Chankanai and
13 others.

Respondents.

1. Sinnavan Kanapathy.
2. Sinnavan Arumugathan.
3. Vairavan Kanapathy.
4. Kanapathy Sellan and wife,
5. Seethai.
6. Sinnapodian Vally and wife,
7. Kuddy, all of Chankanai.

Petitioners.

20

Vs.

Chellamma, wife of Phillip of Karaiyoor.

Respondent.

I, Sinnavan Kanapathy of Chankanai do hereby
solemnly, sincerely and truly declare and affirm as
follows :—

1. I am the 1st petitioner abovenamed.

2. The administratrix abovenamed filed Final Account
in this case and before objections to the said Final Account
were filed by Nannian Sinnavan and Nannian Vairavan and
2nd and 3rd respondents respectively, the said 2nd and

30

No. 38
Affidavit of
Sinnavan
Kanapathy
17-7-47
—continued.

3rd respondents died leaving behind the 1st, 2nd, 3rd, 5th and 7th petitioners as heirs, they being the children of the deceased respondents.

3. That for the purpose of filing objections to the Final Account and claim the shares due to us as heirs of the said deceased respondents it has become necessary to have ourselves substituted in record in the room of the deceased respondents.

4. That the 4th and 6th named petitioners are made parties hereto as husbands of the 5th and 7th petitioners. 10

This was read over and explained to the affirmant and he appearing to understand the same perfectly set his hand hereto and affirmed to the truth and correctness hereof at Chankanai on the 17th day of July, 1947.

X

Thumb mark of

S. Kanapathy.

Before me :

(Sgd.)

J. P. 20

Drawn by :

(Sgd.) S. SIVAGNANAM,
Proctor for Petitioners.

No. 39.

No. 89.
Petition of
Sinnavan
Kanapathy
18-7-47.

Petition of Sinnavan Kanapathy.

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
No. 605
JurisdictionIn the matter of the Estate of the Late Kanapathy Kanthar of
Jaffna Town.

10 Chellammah, wife of Phillip of Karaiyoor. *Deceased.*
Administratrix.

Vs.

1. Chinnan, widow of Murkan of Chankanai and 13 others.
Respondents.

20 1. Sinnavan Kanapathy
2. Sinnavan Arumugathan
3. Vairavan Kanapathy
4. Kanapathy Sellan and wife
5. Seethai
6. Sinnapodian Vally and wife
7. Kuddy, all of Chankanai

*Petitioners**Vs.*

Chellammah, wife of Phillip of Karaiyoor.

Respondent.

On the 18th day of July, 1947.

The petition of the petitioners abovenamed appearing by Mr. S. Sivagnanam, their Proctor, states as follows:—

30 1. The Administratrix abovenamed filed Final Account in this case and before objections to the said Final Account were filed by Nannian Sinnavan and Nannian Vairavan the 2nd and 3rd Respondents respectively, the said 2nd and 3rd Respondents died leaving behind the 1st, 2nd, 3rd, 5th and 7th Petitioners as heirs, they being the children of the deceased Respondents.

2. That for the purpose of filing objections to the Final Account and claim the shares due to the 1st, 2nd, 3rd, 5th and 7th petitioners as heirs of the said deceased Respondents it has become necessary to have them substituted in record in the room of the deceased Respondents.

No. 39.
Petition of
Sinnavan
Kanapathy
18-7-47.
—continued.

3. The 4th and 6th named petitioners are made parties hereto as husbands of the 5th and 7th Petitioners.

4. That an affidavit of the 1st petitioner verifying the above facts is annexed hereto.

Wherefore the Petitioners pray that they may be substituted in the room of the deceased 2nd and 3rd Respondents for the purposes mentioned above and for costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) SIVAGNANAM,
Proctor for Petitioners. 10

No. 40.
Affidavit of
Arumugam
Veera-
singham and
wife
Pakkiam
21-8-47.

No. 40.

Affidavit of Arumugam Veerasingham and wife, Pakkiam.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Estate of the late Kanapathy Kanthar of Karaiyoor Jaffna.

Deceased.

1. Poothar Vyravi and wife
2. Muthy of Koddady
3. Maruchelin Anthonipillai of Kayts.

*12th, 13th and 14th Respondents
Petitioners.* 20

AND

1. Chellammah, wife of Phillip of Karaiyoor.

*Subd.-Administratrix
Respondents.*

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Sinnavan of Chankanai.
3. Nannian Vyravan of Sandilipay.
4. Velan Marimuttan of Sandilipay.
5. Velan Vythian of Sandilipay.
6. Murugar Ponnai and wife. 30
7. Ledchumi of Chankanai.
8. Pathan Kanapathy and wife.
9. Ponny.
10. Visuvan Kathiravelan and wife.
11. Tangamuttu of Sandilipay.
12. Rasammah, widow of Muthu of Karaiyoor.
13. Arumugam Veerasingham and wife.
14. Pakkiam of Uduvil.

Respondents.

We, Arumugam Veerasingham and wife, Pakkiam, both of Uduvil do hereby solemnly sincerely and truly declare and affirm as follows :—

No. 40.
Affidavit of
Arumugam
Veera-
singham and
wife
Pakkiam
21-8-47.
—continued.

1. That we are the 17th and 18th Respondents in this case.

2. That Sinni *alias* Sinnan, widow of Murugan of Chankanai the 2nd Added Respondent in this case was the sole heir of the Estate left behind by the deceased Kanapathy Kanthar.

3. That the said Sinnan, widow of Murugan filed petition affidavit through her Proctor, Mr. M. Vaithialingam on 19th August, 1938 claiming the entire estate stating that she was the daughter of the paternal uncle of the deceased and thereafter on 29th August, 1940 filed her pedigree setting out fully her heirship to the estate of the deceased. We state that the said Pedigree is correct and abide by same and plead that the same be read as part and parcel of our claim.

4. The said Sinny died leaving behind a Last Will and Testament dated 22nd June, 1943 and attested by M. R. Karalasingham, Notary Public Under No. 375 devising her interest in the estate of the deceased to certain Sinnavy Arumugam and Chelliah.

5. That by Order dated 20th January, 1941 the question of heirship was reserved by Court to be determined on a later date.

6. We pray for a declaration that Chinnan, widow of Murugan now deceased was sole heir of the deceased Kanapathy Kanthar and that we and the said Sinnavy Arumugam and Kanapathiar Chelliah as heirs and devisees of the said Sinny be declared entitled to the entire estate and that the application of the petitioner be dismissed and a decree be entered in terms of this Objections and for Costs and for such other and further relief as to this Court shall seem meet.

This was read over and explained to the affirmants and they appearing to understand the same perfectly set their hands hereto and affirmed to the truth and correctness hereof at Jaffna on the 21st day of August, 1947.....

(Sgd.) In Tamil
A. VEERASINGAM.

(Sgd.) A. V. PAKKIAM.

Before me
(Sgd.) R. R. NALLIAH,
Justice of the Peace.

Drawn by.
(Sgd.).....
Proctors for 13th and 14th
Respondents.

No. 41.
Affidavit of
Velan
Marimuttan
26-9-47.

No. 41.

Affidavit of Velan Marimuttan.

IN THE DISTRICT COURT OF JAFFNA.

Testy. Juris : No. 605.

In the matter of the intestate Estate of the late Kanapathy Kanthar
of Jaffna Town.

Deceased.

Dead Illaiyavi Arumugam of Karaiyoor

Administrator.

Chellamma, wife of Phillip of Karaiyoor

10

Petitioner

Administratrix.

- Dead. 1. Chinnan, widow of Murugan of Chankanai
Dead. 2. Nannian Sinnavan of Murugan of Chankanai
Dead. 3. Nannian Vyravan of Sandilipay
4. Velan Marimuttan of Sandilipay
5. Velan Vythian of Sandilipay
6. Murugar Ponnai and wife
7. Ledchhumy of Sandilipay
8. Pathan Kanapathy and wife 20
9. Ponny of Sandilipay
10. Visuvan Kathiravelan and wife
11. Thangamutty of Sandilipay
12. Poothar Vyravy and wife
13. Muththy of Koddady
14. Maruchelin Anthonipillai of Koddady
15. Sinnakuddy Thambiah *alias* Saverimuttu of Jaffna
16. Rasamany, widow of Muthu of Karaiyoor.
Original Respondents.
17. Arumugam Duraisingham and wife 30
18. Packiam, both of Uduvil, in place of 1st respdt.
19. Kanikkaimuttu *alias* Rebecca, widow of Anthonipillai
15th respdt.

20. Sinnavan Kanapathy
 21. Sinnavan Arumugathan
 22. Vairavan Kanapathy
 23. S. Kanapathy Sellan and wife
 24. Sethai
 25. Sinnapoddian Vally and wife
 26. Kuddy, all of Chankanai.

No. 41.
 Affidavit of
 Velan
 Marimuttan
 26-9-47.
 —continued.

*Substituted Respondents in place of
 2nd & 3rd Respondents Deceased.*

10 I, Vellan Marimuthan do hereby solemnly sincerely and truly declare and affirm as follows :—

1. That I am the 4th Repondents in this case.

2. The second and third respondents were the paternal uncles of the deceased, Kanapathy Kanthar who died leaving behind 20th, 21st, 22nd, 24th and 26th, substituted Respondents as heirs they being the children of the said deceased Respondents and the 23rd and 25th substituted Respondents are made parties hereto as husbands of the 24th and 26th Respondents respectively.

3. That the 4th and 5th original respondents are the children of the 20 late Velan, another parternal uncle of the deceased.

4. That the 7th, 9th and 11th Respondents are the children of the late Wally the paternal aunt of the deceased and 6th, 8th & 10th Respondents are made parties since they are the husbands of 7th, 9th and 11th respondents respectively.

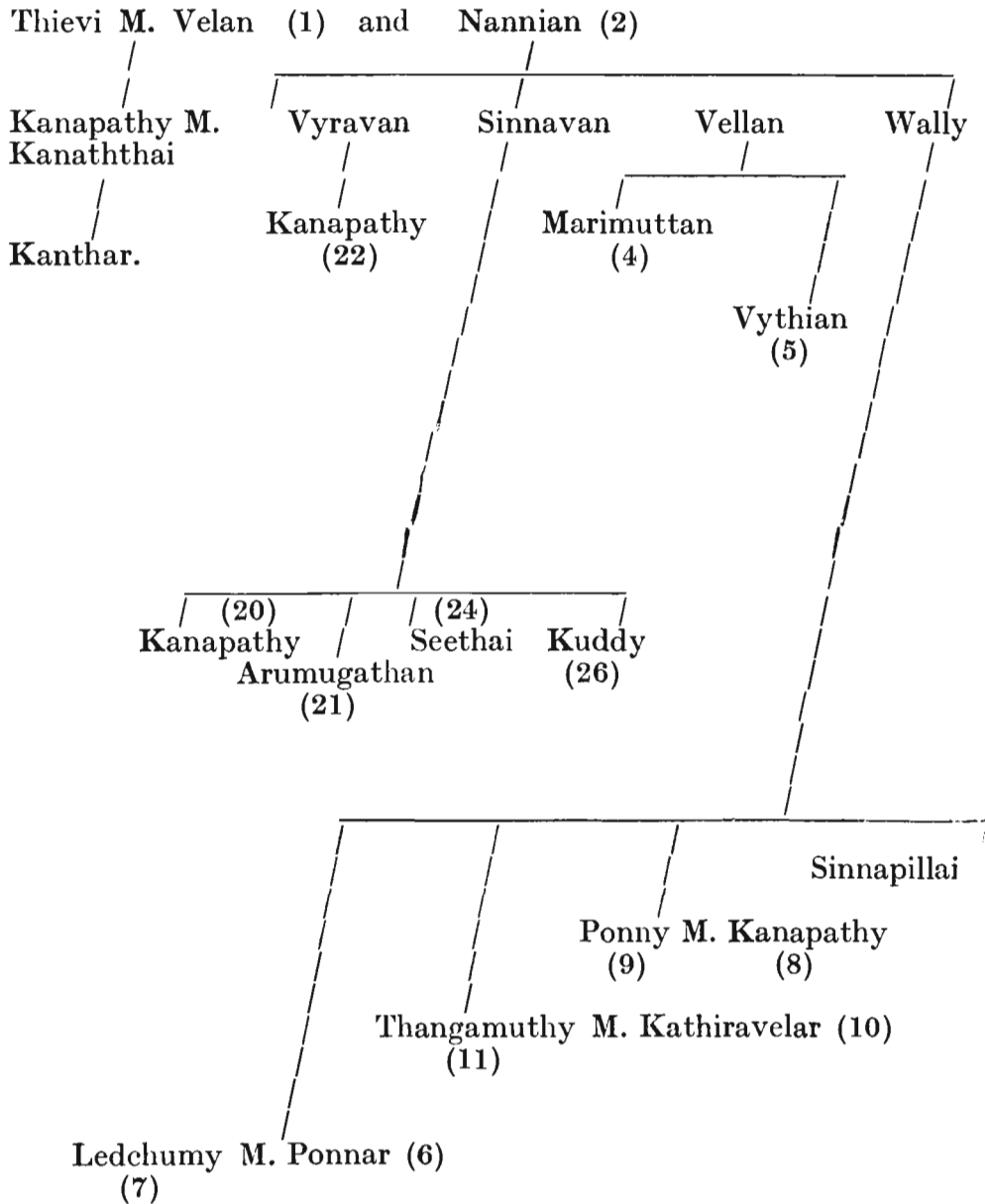
5. That the 4th, 5th, 7th, 9th, 11th, 20th, 21st, 22nd, 24th and 26th Respondents are the sole heirs and next of kin of the deceased Kanapathy Kanthar and as such heirs they are entitled to the entirety of the estate left behind by the said deceased.

6. To the best of my knowledge and belief there is no person other 80 than these Respondents and Sinnappillai, wife of Vythian who are interested in the said estate.

7. I file a correct pedigree herewith and plead that the same be read as part and parcel of our claim.

No. 41.
Affidavit of
Velan
Marimuttan
26-9-47.
—continued.

Pedigree.



This was read over and explained to the affirmant and he appeared to understand the same perfectly set his hand hereto and affirmed to the truth and correctness hereof at Chankanai on the 26th day September, 1947.

(Sgd.) In Tamil
(V. MARIMUTTAN.)

Before me.

(Sgd.).....
J. P.

Drawn by.
(Sgd.) S. SIVAGNAM,
Proctor of Respondents.

No. 42.

No. 42.
Affidavit of
Vairavy
Nalla-
thamby
7-2-50.**Affidavit of Vairavy Nallathamby.**

IN THE DISTRICT COURT OF JAFFNA.

Testy. No. 605. (Old)

In the matter of the intestate estate of the late Kanapathy Kandar
of Jaffna Town.*Deceased.*

- 10 Dead. 1. Poothar Vairavy and wife.
2. Mutthy of Koddady Jaffna and.
3. Maruchelin Anthonipillai of Kayts.

Petitioners.

12th, 13th and 14th Respondents.

AND

Chellammah wife of Phillips of Karaiyoor Jaffna.

*Administratrix.**Vs.*

- 20 1. Sinnan, widow of Murugan of Changanai.
2. Nannian Sinnavan.
3. Nannian Vairavan.
4. Velan Marimuttan.
5. Velan Vaitian.
6. Murugar Ponnar and wife.
7. Ledchumy.
8. Patthan Kanapathy and wife.
9. Ponny.
10. Visuvan Kathiravelan and wife.
11. Thangamuttu.
12. Rasamany, widow of Muttu and three others.

Respondents.

30 I, Vairavy Nallathamby of Koddady Vannarponnai West, Jaffna do hereby solemnly sincerely and truly affirm and declare as follows: —

That my mother the abovenamed 2nd petitioner, Mutthy, wife of 1st petitioner who is an heir to the estate of the abovenamed deceased, filed papers for Judicial settlement on the 19th day of March, 1947 and the inquiry into the said judicial settlement is fixed for the 20th January, 1948.

No. 42.
Affidavit of
Vairavy
Nalla-
thamby
7-2-50-
—continued.

2. That before the inquiry into the said judicial settlement my mother the 2nd petitioner wife of the 1st petitioner namely Mutthy died intestate on or about the 10th of August, 1948, leaving behind as her heirs her children, myself and my brother and sister namely Vairavy Chelliah and Valliammai, wife of Ellupolai Sinnapody, all of Jaffna.

3. That for the purpose of inquiring into the judicial settlement and to carry on this case to its final termination it is necessary that myself and my brother and sister the said Chelliah and Valliammai should be substituted in the record in the room of the deceased 2nd petitioner who is my mother. 10

This was read over and explained by me to the deponent who appeared to understand the same perfectly and he set his signature hereto and affirmed to the truth and correctness hereof at Jaffna this 7th day of February, 1950.

Sgd. In Tamil
V. NALLATHAMBY.

Before me.
(Sgd.).....
C. O.

Drawn by.
(Sgd.) V. S. NADARAJAH,
Proctor for Substituted Petitioners.

20

No. 43.

Petition of Vairavy Nallathamby and three others.

IN THE DISTRICT COURT OF JAFFNA.

Testy. No. 605. (Old).

In the Matter of the Intestate Estate of the late Kanapathy Kandar of Jaffna Town.

Deceased.

- Dead. 1. Poothar Vairavy and wife. 30
2. Mutthy both of Koddady Jaffna and
3. Maruchelin Anthonipillai of Kayts.

Petitioner.

12th, 13th and 14th Respondents.

No. 43.
Petition of
Vairavy
Nalla-
thamby and
three others
9-2-50.

Chellammah, wife of Karaiyoor Jaffna.

Administratrix.

Vs.

1. Sinnan, widow of Murugan of Changanai
2. Nannian Sinnavan
3. Nannian Vairavan
4. Velan Marrimuttan
5. Velan Vaitian
6. Murugar Ponnar and wife
7. Ledchumy
8. Pattan Kanapathy and wife
9. Ponny
10. Visuvan Kathiravelan and wife
11. Thangamuttu and
12. Rasamany, widow of Muttu and three others.

Respondents.

1. Vairavy Nallathamby
2. Vairavy Chelliah
3. Valliammai, wife of Ellipolai Sinnapody
4. Ellipolai Sinnapody all of Jaffna.

Present Petitioners.

Vs.

1. Sinnan, widow of Murugar of Changanai
2. Nannian Sinnavan
3. Nannian Vairavan
4. Velan Marimuttan
5. Velan Vaitian
6. Murugar Ponnar and wife
7. Ledchumy
8. Pattan Kanapathy and wife
9. Ponny
10. Visuvan Kathiravelan and wife
11. Thangamuttu and
12. Rasamany, widow of Muttu
13. Poothar Vairavy and
14. Maruchelin Anthonipillai

Respondents.

15. Chellammah, wife of Phillips of Karaiyoor, Jaffna.

Administratrix—Respondent.

40 This 9th day of February, 1950.

The petition of the abovenamed present petitioner appearing by Mr. V. S. Nadarajah, their proctor states as follows :—

1. That the abovenamed 2nd petitioner 13th respondent namely Mutthy, the mother of the abovenamed 1st, 2nd and 3rd present petitioners

No. 43.
Petition of
Vairavy
Nalla-
thamby and
three others
9-2-50.
—continued.

No. 43.
Petition of
Vairavy
Nalla-
thamby and
three others
9-2-50.
—continued.

filed papers for judicial settlement on the 19th day of March, 1947 and the inquiry into the said Judicial Settlement was fixed for inquiry for the 20th day of January, 1948.

2. That before the inquiry into the said judicial settlement the 2nd petitioner—13th respondent namely, Mutthy died intestate on or about the 10th day of August, 1948, leaving behind as her heirs children the above-named present petitioner all of Jaffna. The 4th present petitioner is made a party to this proceedings as he is the lawful husband of the 3rd present petitioner.

3. That for the purpose of inquiring into the Judicial settlement¹⁰ and to carry on the said case to its final termination it is necessary that the present petitioners' names as heirs of the deceased Mutthy, wife of Poothar Vairavy should be substituted in the record in the room of the said deceased Mutthy.

4. That an affidavit of the 1st present petitioner dated the 7th day of February, 1950, verifying the abovefacts is filed herewith.

5. Wherefore the present petitioner pray that they may be substituted in the record in the room of the deceased Mutthy, wife of Poothar Vairavy for the purpose of inquiring into the Judicial settlement and to carry on this case to its final termination and to recover cost and for such²⁰ other and further relies as to this Court shall seem meet.

(Sgd.) V. S. NADARAJAH.
Proctor for present petitioners.

No. 44.

**Statement of objections of Chellamma, wife of Phillip,
Administratrix de Bonis non.**

IN THE DISTRICT COURT OF JAFFNA.

Testamentary
No. 605 (Old)

Jurisdiction

80

In the matter of the estate of the late Kanapathy Kanthar of Jaffna Town.

Deceased.

Dead. Ilaiyavi Arumugam of Karaiyoor.

Original Administrator.

Chellamma, wife of Phillip of Karaiyoor.

Administratrix de bonis non.

Vs.

Dead. 1. Chinnan, widow of Murugan of Chankanai

Dead. 2. Nannian Chinnavan of Chankanai

Dead. 3. Nannian Vyravan of Chandilipay

40

No. 44.
Statement of
Objections of
Chellamma
wife of
Phillip,
Administra-
trix de
bonis non
30-6-52.

-
4. Velan Marimuttu of Chandilippay
 5. Velan Vaithian of Chandilippay
 6. Murugar Pommar and wife
 7. Ledchumi of Chankanai
 8. Pathan Kanapathy and wife
 9. Ponny of Chandilippay
 10. Visuvan Kathiravelan and
 11. Wife, Thangamuttu of Chandilippay
 12. Poothar Vairavy and wife.
 10 Dead. 13. Muthi of Koddadi
 14. Maruchelin Anthonipillai of Kayts
 Dead. 15. Sinnakkuddy Thambiah *alias* Saverimuttu of Kayts.
 16. Rasamany, widow of Muthu of Karaiyoor,

Original Respondents.

17. Arumugam Veerasingam and
 18. Wife, Packiam both of Uduvil,
*Substituted respondents in place
 of the deceased 1st respondent.*
- 20 19. Kanakaimuthu *alias* Rebecca, widow of Anthonippillai
 of Moolai Road, Chundikkuli.
*Substituted respondents in place
 of the deceased 15th respondent.*
20. Sinnavan Kanapathy
 21. Sinnavan Arumugathan
 22. Vairavan Kanapathy
 23. Kanavathy Sellan and wife,
 24. Seethai.
 25. Sinnappodian Vally and
 26. Wife, Kuddy all of Chankanai.
 30 *Substituted respondents in place of the
 deceased 2nd and 3rd respondents.*
27. Vairavy Nallathamby and
 28. Vairavy Chelliah both of Koddady
 29. Ellupolai Sinnapody and
 30. Wife, Valliammai both of Suthumalai,
*Substituted respondents in place
 of the deceased 13th respondent.*

On this 3th day of June, 1952.

40 The statement of objection of the abovenamed adminis-
 tratrix de bonis non appearing by C. C. Somasegaram, her
 proctor states as follows :—

1. The Administratrix de bonis non on whom a notice dated 11-3-52
 has been served requiring her to show cause why the money lying in

No. 44.
 Statement of
 Objections of
 Chellamma
 wife of
 Phillip,
 Administra-
 trix de
 Bonis non
 30-6-52.
 —continued.

No. 44. deposit in Testamentary case No. 167 of this court should not be transferred to this case states that the said notice should be discharged with costs in as much as :—

Statement of
Objections of
Chellamma
wife of
Phillip,
Administra-
trix de
bonis non
30-6-52.
—continued.

- (a) The application by way of motion of the 3rd to 12th and 20th to 26th respondents minuted under date 6-3-52 is irregular and untenable in law and contrary to the provision of the C. P. C.
- (b) The 3rd to 12th respondents and 20th to 26th respondents and many others were not original respondents but intervened in 1941 with the objects of proving their heirship to the estate and have failed to do so. Their applications for proof of heirship and for judicial settlement have been rejected by court. The last order on their claim was made by Court on 19-2-51.
- (c) The order made on 19-2-51 closing the estate and accepting the final account of which the respondents had notice, and the rejection of the application for judicial settlement entitle the administratrix de bonis non to raise the plea of “ plene administravit ”.
- (d) The respondents are not entitled to a notice of the application to transfer the money to case No. 167 T of this Court in which the estate of the original administrator Elaiyavi Arumugam is being administered. The respondents’ remedy if any is by way of separate action, especially in view of the orders made inter parties on 24-10-1946 and/or 16-1-50.
- (e) These respondents are guilty of laches in that they have failed to take steps to prove their heirship in these proceedings though specially directed by court to do so. Their intervention in these Testamentary proceedings should be deemed to have been rejected by Court ; and their remedy, if any, is by way of regular action.
- (f) It is prejudicial to the interests of the heirs of the estate of the said Elaiyavy Arumugam in Testamentary case No. 167 of this Court that a part of that estate be transferred to this case, especially in view of the fact that more than 10 years have elapsed since the death of the deceased Kanthar to whose estate the said Elaiyavi Arumugam became sole heir. Rights of third parties would be effected.
- (g) The notice has administered this estate and has become functus Officio and this application is not maintainable.

Wherefore the Administratrix de bonis non prays :—

- (a) That the application be dismissed and notice discharge with costs.
- (b) For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) C. C. SOMASEGARAM.

Proctor for Administratrix de bonis non,

No. 45.

Proceedings before the District Court.

17-11-52.

Mr. C. C. Somasegaram for Administratrix.

Mr. Adv. Kathiravelpillai inst. by Mr. S. Sivagnanam for 3 to 12 and 20 to 26 Respondents.

Mr. Somasegaram states that his counsel, Mr. Kanaganayagam is ill and unable to be present in Court and moves for a postponement of the inquiry. Mr. Kanaganayagam has also sent a letter to Court asking for a date on the ground of ill-health.

Mr. Kathiravelpillai consents.

Inquiry postponed to 18-2-53.

(Sgd.)
District Judge.
17-11-52.

No. 46.

Proceedings before the District Court Inquiry.

No. 605.

18-2-53.

Mr. Adv. Kanaganayagam instructed by Mr. C. C. Somasegaram for Administratrix de bonis non.

Mr. Adv. Kathiravelpillai instructed by Mr. S. Sivagnanam for 3 to 12 and 20 to 26 Respondents.

Mr. V. S. Nadarajah for 1, 2 and 4 Respondents.

MR. ADV. KATHIRAVELPILLAI addresses the Court. He states that the first irregularity is that Mr. Sivagnanam has no right to appear for the heirs of the Respondents because he had no proxy. He draws the attention of Court to Journal entry dated 24-10-46. The first order is irregular because it has been made without notice to all parties. The heirs of the 2nd and 3rd original Respondents had not been noticed. He refers to Journal entry dated 1-11-46. The Administratrix should have filed application for judicial settlement. This has not been done. He refers to Journal entry dated 19-12-46. This is irregular. The estate duty was paid out of moneys lying to the credit of this case. "Elaiyavi Arumugam is the sole heir" is a misstatement. On 18-7-47 Mr. Sivagnanam Proctor filed proxy. This was the first time that the heirs of the 2nd and 3rd

No. 45.
Proceedings
before the
District
Court
17-11-52.

No. 46.
Proceedings
before the
District
Court
Inquiry
18-2-53.

No. 46.
 Proceedings
 before the
 District
 Court
 Inquiry
 18-2-53.
 —continued.

Respondents came into Court. Journal entries dated 17-10-49 & 11-12-50 referred to. The order of 19-2-51 is irregular as it has been without notice to all parties. All these orders were made ex-parte. From the record it is clear that certain parties had not been noticed. Journal entry of 6-3-52 referred to. The Administrator and the Administratrix have not done their work diligently. They have almost been fraudulent in drawing money without notice to parties. The last item should have been noticed to all parties. The Administrator has withdrawn the security. The present application is to have the order of 10-1-51 transferring a sum of Rs. 7541/27 to case No. 167 Testamentary, re-transferred to this case.¹⁰ The application now is to have an order made ex-parte vacated, on the ground that his application is irregular and the order thereon is illegal. All orders made after the date when Mr. Sivagnanam undertook to file proxy is irregular and illegal and made per incuriam.

MR. ADV. KANAGANAVAGAM addresses the Court.

Mr. Adv. Kanaganayagam states that the clients of Mr. Adv. Kathiravelpillai have no status to make this application. Ever since Kandar died in 1938 and the order of Court of 10-1-41 when they were granted letters, the position was that Elayavi Arumugam was the sole heir. The heirship of 2nd and 3rd Respondents was never admitted by²⁰ his clients. From 1938 up to date 2nd and 3rd Respondents whose status as heirs was always challenged by Mr. Somasegaram's clients, have not proved their heirship. Mr. Sivagnanam reported that the 2nd and 3rd Respondents had died and that he had come in place of their heirs. The Journal entry shows that so far as the Administrator and the Administratrix de bonis non were concerned they had no objections. That fundamental position of the clients represented by Mr. Somasegaram was that the 2nd and 3rd Respondents were not heirs. The Court directed Mr. Sultan's clients, Mr. V. S. Nadarajah's clients, and Mr. Sivagnanam's clients to prove their heirship.

30

TO COURT.

Q. Did you bring it to the notice of the Court that the question of heirship was outstanding?

A. Notice dated 11th September, 1946. We gave everybody notice. The notices were served on all including Mr. Sivagnanam.

Q. Including the 2 dead persons?

A. When did Mr. Sivagnanam bring to the notice of Court that they died.

Mr. Kanaganayagam refers to the Journal Entry of 24-10-46. "Proxy of heirs of 2 & 3 respondents due from Mr. S. Sivagnanam.⁴⁰ Not filed".

To COURT.

Q. On the face of that entry do you say that Mr. Sivagnanam was representing the 3rd respondent?

A. He volunteered to file proxy and he did not file it. We did not know the heirs. We never recognized the 2nd and 3rd Respondents as heirs.

Q. Once letters were issued to you on the ground that the question of heirship should be decided by Court at a later stage was it not your duty to have that matter adjudicated by Court?

A. The most that we could do was to issue notices on them.

10 We did not know that certain persons were dead.

To COURT.

Q. Have you served notices on 2nd and 3rd repondents at any time?

A. It is not necessary to serve notices on them because they were never the heirs. They never established their right before they died.

Q. What was the necessity to serve notices on any of the Respondents.

A. We just complied.

Q. Is it not your duty to protest against the order, if your position was that only yourself is the sole heir, and issue notices on the other
20 Respondents?

A. They were respondents represented by Proctors: in the ordinary course we issued notices.

Proof of heirship is not necessarily a part of Testamentary proceedings. If convenient it may be taken up in Testamentary proceedings.

Q. Where is it laid down?

A. Such disputes will have to be referred to a separate action regular action. 2 Ceylon Law Journal page 197. Action for heirship is an action founded on Roman Dutch Law. It is a regular action. 20 NLR page 417.

80 The Court had directed "Let those parties concerned prove their heirship". These respondents did not do so. The heirs of the 2nd and 3rd Respondents came into court after 5 years. They also did not prove their heirship. On 18-7-47 Mr. Sivagnanam moves that these persons be

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—continued.

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—continued.

substituted. Mr. Kanaganayagam refers to the objections filed. More than 10 years have elapsed since the death of Kanthar.

Q. Have you got any authority to show that prescription applies to Testamentary proceedings?

A. Prescription applies under Section 737 of the Civil Procedure Code, except between the accounting part and the accountor and the heirs.

This Section in regard to prescription takes away a right vested by the Prescription Ordinance which will operate to run in the ordinary course. Kandar having died in 1938, under Section 14 and 1 of 1911 the title to 10 all lands and movable properties have vested in the heirs i.e. ourselves. If after 10 years we are rightly or wrongly heirs, and Arumugam had gone into possession and prescribed rights of such parties in a proceedings like this, the question cannot be adjudicated.

Q. You admitted your position as Administrator on condition that the question of heirship will be proved later?

A. Heirship by those persons concerned.

We are faced with the difficulty on the question of proving heirship. The 2nd and 3rd respondents died in 1946. On 18th, July 1947, Mr. Sivagnanam comes into Court to prove heirship. After 18-7-47 without 20 Mr. Sivagnanam, the Administrator, had no knowledge of the addresses of the heirs.

Q. Did you have the estate judicially settled at any time?

A. With regard to judicial settlement it is not incumbent on us.

The Court itself had directed and 2 Proctors had taken steps.

Mr. Sultan, Mr. V. S. Nadarajah and Mr. Sivagnanam gave up. We were always present. Mr. Sultan's clients filed papers for judicial settlement.

Q. Did Mr. Sultan?

A. He did not.

30

Mr. V. S. Nadarajah's clients filed papers for judicial settlement. They had come into Court presumably as heirs in 1947. It is their duty to prove it. Mr. Kanaganayagam refers to the order of 23-6-48. Parties concerned were required to take steps. That absolves the Administratrix from herself applying for judicial settlement or proving heirship. Every

item of the final account was filed in the ordinary course and order to terminate proceedings made. In the face of the order of 16-1-50 can the Administratrix de bonis non be expected to prove something which she was not expected. The first inquiry was on 20-1-48.

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—continued.

Q. Journal entry of 16-1-50 leaves the date for inquiry regarding heirship blank?

A. There is something below Viz. "Let steps be taken by those concerned".

There is no legal obligation or even statutory duty to do something which is against the interests of the Administratrix.

Q. You have to prove that you are the sole heir. That order embraces you as well?

A. We say we are the sole heirs. We have sworn to that.

Q. They also have sworn an affidavit to that effect?

A. Yes.

They came in to prove their heirship to the estate. So far as our heirship is concerned we say we were in possession of the estate.

Q. As Administrator?

A. Independently of that.

20 We are given letters under Section 523 as a heir, while the others had yet to prove the heirship. The meaning of the order of 16-1-50 is that these respondents who had come into the case, were directed to prove their heirship. Mr. Kanaganayagam refers to the order of 19-2-51 on which date estate was closed and final account accepted over again.

Q. What is the legal effect of an order of Court to that effect—Is it worth anything?

A. Parties who had received notices of the final account are bound by an order closing the account.

Q. I like to know the authority?

80 A. We issue notices under summary procedure Section 375 onwards. Affidavit had been annexed to the final account to the effect that it is correct and true account of the estate. The Court had ordered notice on the affidavit and the final account, presumably under the provisions of

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 —continued.

373 onwards in regard to summary procedure, though unless petition is also filed along with the final account summary procedure provision 373 cannot be availed of. At best this can be taken as presumption once the notice of the final account has been served and the party remaining silent, it is a presumption that they take it as correct. It is open to them to come in, file petition and affidavit under summary procedure for judicial settlement as Mr. Nadarajah. After any period of time they might apply for judicial settlement. Rights of third parties having supervened the wiser course would be to file a separate action regarding heirship. This is not an application by way of judicial settlement. They are not shut out from proving their heirship.

Q. They say that you purported to be the sole heir. On that representation to Court you have got that order of Court to transfer some money that should be lying to the credit of this case, into the other case, whereas at no time you got yourself adjudicated as the sole heir ?

A. There is no provision under the Code to make such an application. They cannot ask the Court to act without jurisdiction. If they had filed papers for judicial settlement that would be a different proposition. This is an allegation and not an application.

Mr. Adv. Kanaganayagam refers to the objections filed by the 20 administratrix de bonis non. Under (a) this application cannot be *made* under the provisions of the code. The Administratrix raises the plea of "plene Administravit". As an officer of Court the administratrix has satisfactorily carried out the administration and she had become *functus officio*. The only question outstanding is the question of heirship which could be established in proper proceedings.

Q. The security bond has been discharged, which shows that a series of acts of fraud committed by the Administratrix in this case, and deception practised on the Court systematically ?

A. Orders are made by Court.

30

These orders were made openly. These are not orders made behind the back of respondents and their proctors. This present application is not sufficient. They cannot move the Court to do anything. The Court in view of the earlier orders made whether right or wrong, would be acting without jurisdiction in a sense. The Court has directed the persons concerned to prove their heirship. Without their proving heirship first, they cannot make this application by way of motion. They have no status. It is not open to them to make this application for:—

1. Their status as heirs was always denied.

2. The Court by its orders rightly or wrongly has directed persons who went to prove their heirship, to do so in the proper way.

3. Having failed to do so all these years, the reasonable and proper order is to direct them to regular and separate action.

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Proceedings
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No. 47.

Order of the District Court.

No. 47.
Order of the
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18-2-53

ORDER.

This is an application by some respondents represented by Mr. Sivagnanam to have the sum of Rs. 7541/27 already transferred from this testamentary case to testamentary case No. 167, brought back to this case. It would appear that in case No. 167 Testamentary, the estate of one Ilayavi Arumugam is being administered. Kanapathy Kandar is said to have died on 19-5-1938. On his death certain persons came into Court with a last will and certain others filed objections to the genuineness of the last will. By order of settlement dated 6-5-40 and 20-1-41 the following agreement was arrived at :—

“ They all agree that letters of Administration be issued to Elaiyavy Arumugam, Mr. Somasegaram’s client, leaving the question of heirship open, giving the status as an heir. Enter *order nisi* and publish in Gazette and local papers ”.

No fresh papers asking for letters of administration appear to have been filed by Elayavi Arumugam, but he was issued letters. Elayavi Arumugam died subsequently on 13th April, 1943 and his daughter Chellammah applied for letters of administration de bonis non in this case. She was granted such letters and she continued the Administration of the estate. Final account appears to have been filed on 31-7-46. Shortly prior to this date viz on 5-7-46, Mr. Sivagnanam for 3 to 12 respondents moved “ that the case be restored to trial roll as the question of heirship in the above case has not been decided yet ”. The order of the Court is as follows :—

“ Why has not final account been filed yet in this case.

File final account and move for 31/7 ”.

Later Notice regarding the filing of the final account was issued on the respondents. The Journal Entry of 3-10-46 shows that notice was not served on the 2nd & 3rd Respondents who were reported dead. I find that Mr. Sivagnanam moved for a date to file proxy and statement of the heirs of 2nd & 3rd Respondents. He was given a date for that

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—continued.

purpose till 24-10-46. On that day Mr. Sivagnanam did not file the proxy of the heirs, and the order of the Court is :—

“ Proxy of heirs of 2 & 3 Respondents due from Mr. S. Sivagnanam. Not filed.

2. Statement of claim due from (1) heirs of 2 & 3 Respondents.
(2) 1st substd. Respdt-Not filed.

Final account passed. Proceedings terminated.”

I am unable to see how the Court came to make that order on that particular day and what that order signifies, because on a subsequent date viz. 1-11-46 I find the order :—

10

“ What is proposed to be done re. debts recoverable, items 11 & 7 in the final account. If those debts get prescribed through her negligence, the Administratrix may have to pay the heirs those sums. She should either recover those debts or file application for judicial settlement and distribute those debts to those heirs so that they may recover.”

The Administratrix never took any steps to have this estate judicially settled. It is not necessary for me to record in detail the various Journal Entries where the Administratrix appears to have presumed that her father was the sole heir after this date. She makes the first application on 19-12-46, when she wanted a sum of Rs. 607/56 to be paid to the Commissioner of Estate Duty as debt due from the “ sole heir ” Elayavi Arumugam, whose estate was being administered by her in case No. 167 D. C. Testamentary. The Court had ordered this motion to be supported, and on 29-1-47 when this matter came up in Court I find the following entry :—

“ Mr. Adv. Soorasangan instructed by Mr. V. S. Nadarajah for 13 & 14 Respondents heard. Let papers be filed by them for judicial settlement as contemplated in Section 726 of the Code.”

I must say that the application to pay a sum of Rs. 607/56 to the Commissioner of Estate Duty was allowed by Court on 9-1-47. In view of the order of 29-1-47, Mr. Nadarajah appearing for 12, 13 & 14 Respondents filed affidavit and moved for citation of the Respondents for judicial settlement of the estate of the deceased. Citation was ordered and issued. They were served on some, but before the matter was taken up for inquiry it is reported that the 13th Respondent was dead and the order is “ Parties concerned to take steps ”. I find this against the date 23-6-48. Some steps were taken and the parties could not be served viz. the clients represented by Mr. Aboobucker. Notice was ordered to be issued on 17 & 18 Respondents, and they were not served. On 19-2-51 the Court makes this order “ Notice on 17 & 18 Respondents not issued and affidavit not filed. Estate closed. Final account accepted. Application for judicial settlement is rejected. Enter Register.”

Taking advantage of this order by Court of 19-2-51 the administratrix drew a sum of Rs. 1816/08 as commission, and she also made an application that a sum of Rs. 7541/27 which was lying to the credit of this case be transferred to Testamentary case No. 167 as this case has been finally decided. In all probability the Court referred to the journal Entry of 19-2-51 and finding the order of Court on that day, allowed the application and the amount has now been transferred to that case. Now the Respondents represented by Mr. Sivagnanam want this amount to be brought back to this case, as it has been wrongly drawn. The Administratrix has filed objections stating that this application is irregular (a) as it is made by a motion, (b) that the application to prove heirship and for judicial settlement had been rejected by Court on 19-2-51, (c) that the order of Court dated 19-2-51 closing the estate entitles the Administrator to raise the plea of "Plene administravit", (d) that the respondents have been guilty of laches and their intervention in the testamentary case should have been rejected by this Court and (e) that since a period of more than 10 years have elapsed since the death of Kanapathy Kandar, it is prejudicial to the estate of Elayavi Arumugam to transfer that sum to this case.

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—continued

I am really sorry I cannot understand what is meant by the various objections set out in the Administratrix's objections. I find that she had, taking advantage of an order made by Court on 19-2-51, not only drawn money which was in this case, but also had got a sum of Rs. 7000/- transferred to another testamentary case without notice to any of the respondents. She did not bring to the notice of the Court, before Court made the order on 19-2-51 that she was ordered by Court on an earlier occasion to file papers to have this estate judicially settled. She also had not brought to the notice of Court that by the settlement of 20-1-1941 the question of heirship of this estate is still outstanding and that it was agreed that Elayavi Arumugam should administer the estate as *an heir* and not as sole heir. I have looked into case No. 167 Testamentary where the estate of Elayavi Arumugam is being administered. I find that the amount transferred from this case is the only case in that estate and the Administratrix in this case is also the executrix in that case. I do not want at this stage use any strong language against the action of the Administratrix. Her non disclosure of the fact that she was ordered by Court to judicially settle this estate before Court made its order of 19-2-51, discloses her conduct right throughout this case. It is clear that the question of heirship had never been decided in this case and the order transferring the amount of Rs. 7541/27 to case No. 627 Testamentary had been made "per incuriam". I order that that amount be brought back to this case. I also order the Administratrix to file proper papers for judicial settlement before 9-3-53. Call case on that day. I order no costs.

(Sgd.) S. RAJARATNAM.
District Judge.
18-2-53.

No. 48.

No. 48.
Petition of
appeal to the
Supreme
Court by the
administra-
trix de bonis
non.
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Petition of appeal to the Supreme Court by the Administratrix
de bonis non.

IN THE DISTRICT COURT OF JAFFNA

In the matter of the estate of the late Kanapathy Kanthar of Jaffna
Town.

Deceased.

Testamentary }
Jurisdiction } No. 605 (Old)

10

D. C. (Inty) 60/1954

Dead. Ilaiyavi Arumugam of Karaiyoor, Jaffna.

Original Administrator.

Chellammah wife of Philip of Karaiyoor, Jaffna.

Administratrix de bonis non.

Vs.

- | | | | |
|-------|-----|---|----|
| Dead. | 1. | Chinnan widow of Murugan of Chankanai. | |
| Dead. | 2. | Nannian Chinnavan of Chankanai. | |
| Dead. | 3. | Nannian Vyravan of Chandilipay. | |
| | 4. | Velan Marimuttu of Chandilipay. | 20 |
| | 5. | Velan Vaithian of Chandilipay. | |
| | 6. | Murugar Ponnar and wife. | |
| | 7. | Ledchumi of Chankanai. | |
| | 8. | Pathan Kanapathy and wife. | |
| | 9. | Ponny of Chandilipay. | |
| | 10. | Visuvan Kathiravelan and | |
| | 11. | Wife Thangamuttu of Chandilipay. | |
| | 12. | Poothar Vairavy and wife. | |
| Dead. | 13. | Muthi of Koddadi. | |
| | 14. | Maruchelin Anthonipillai of Kayts. | 30 |
| | 15. | Sinnakuddy Thambiah alias Saverimuttu of Kayts. | |
| | 16. | Rasamany widow of Muthu of Karaiyoor. | |

Original Respondents.

17. Arumugam Veerasingham and
18. Wife Packiam both of Uduvil.

*Substituted Respondents in place of the deceased
1st Respondent.*

19. Kanakaimuttu *alias* Rebecca widow of Anthonipillai of Moolai Road, Chundikuly.

*Substituted Respondents in place of the deceased
15th Respondent.*

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Petition of
appeal to the
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Court by the
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trix de bonis
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—continued.

20. Sinnavan Kanapathy.
21. Sinnavan Arumuganathan.
22. Vairavan Kanapathy.
23. Kanavathy Sellan and wife.
24. Seethai.
25. Sinnapodian Vally and wife.
26. Kuddy all of Changanai.

*Substituted Respondents in place of the deceased
2nd and 3rd Respondents.*

27. Vairavy Nallathamby and
28. Vairavy Chelliah both of Koddady.
29. Elupillai Sinnapody and
30. Wife, Valliammai both of Suthumalai.

*Substituted Respondents in place of the deceased
13th Respondent.*

In the Supreme Court of the Island of Ceylon.

Chellammah, wife of Phillip of Karaiyoor, Jaffna Administratrix de bonis non.

Appellant.

Vs

1. Velan Marimuttu of Chandilipay.
2. Velan Vaithinan of Chandilipay.
3. Murugar Ponnar and wife,
4. Ledchumi of Changanai.
5. Pathan Kanapathy and wife,
6. Ponny of Chandilipay.
7. Visuvan Kathirevelan and
8. Wife, Thangamuttu of Chandilipay.
9. Poothar Vairavy.
10. Sinnavan Kanapathy.
11. Sinnavan Arumugathan.
12. Vairavan Kanapathy.
13. Kanavathy Sellan and wife.
14. Seethai.
15. Sinnapodian Vally and
16. Wife, Kuddy, all of Changanai.

4th to 12th and 20th to 26th Respondents.

Respondents.

No. 48. *To.*
 Petition of
 appeal to the
 Supreme
 Court by the
 administra-
 trix de bonis
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 —continued.

The Honourable the Chief Justice and other Judges of the Supreme Court of the Island of Ceylon.

On this 27th day of February, 1953.

The petition of appeal of the abovenamed Administratrix de bonis non appellant appearing by C. C. Somasegaram, her proctor, states as follows :—

1. Letters of administration were granted on 20-1-1941 to certain Elaiyavi Arumugam over the estate of Kanapathy Kanthar who died in the year 1938. Elaiyavi Arumugam claimed letters of Administration as the sole heir of the deceased with whom he lived at the time of his death and earlier. ¹⁰

2. The several respondents who intervened in the above case from time to time agreed that letters of Administration be granted to him and the court ordered that “ letters of administration be granted to him giving him the status of an heir and leaving the question of heirship open”.

3. During the course of the Testamentary proceedings Elaiyavi Arumugam died in April, 1943 leaving a Last will appointing Chellammah his daughter, executrix who obtained probate of her last will in testamentary case No. 167 of the District Court of Jaffna. The said Chellammah (Appellant) applied for Letters of Administration de bonis non in this case and was granted letters. She continued the administration and filed Final Account on 31-7-46. ²⁰

4. The Administratrix—Appellant issued by order of Court dated 11-9-46 the following notice of the Final Account filed in these proceedings.

“ You are hereby noticed to take notice of Final Account filed in these proceedings, a copy of which is annexed and also take notice that this case will be called on 3-10-46 and fixed for inquiry in respect of the question of heirship (which was left open by order of court dated 20-1-41). ³⁰

5. On 3-10-46 the case was called and proctors including Mr. Sivagnanam took notice of the Final Account. Mr. Sivagnanam, proctor for 3 to 12 respondents moved for a date to file proxy and objections of the heirs of the deceased 2nd and 3rd respondents (reported dead) and was ordered by Court to file on 24-10-46, others present were also ordered to do likewise.

6. On 24-10-46 objections not having been filed by Mr. S. Sivagnanam or any others the Court ordered as follows :-

“ Final/Account passed proceedings terminated. ”

7. On 22-1-1947 Mr. V. S. Nadarajah, proctor for 13 and 14 respondents filed administratrix appellant's notice dated 11-9-46 served on his clients and moved that order dated 24-10-46 be vacated and the case fixed for inquiry to consider the question of heirship as per order of 20-1-1941.

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Court by the
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—continued.

8. On 29-1-47 after argument by counsel the Court ordered Mr. V. S. Nadarajah to file papers for judicial settlement as contemplated in Section 726 of the C. P. C.

9. On 20-3-1947 Mr. V. S. Nadarajah proctor for 12, 13 and 14 respondents filed papers for judicial settlement and issued citation on 2-7-47 on Administratrix appellant's Proctor, Mr. C. C. Somasegaram and on Mr. S. Sivagnanam Proctor.

10. On 18-7-47 Mr. S. Sivagnanam applied for substitution and obtained the order on 22-8-1947.

11. The inquiry into heirship was fixed for hearing on several dates.

12. On 23-6-48 and on 16-1-1950 the Court ordered that those concerned do take steps re heirship.

13. Mr. V. S. Nadarajah's application for Judicial settlement was rejected for want of prosecution and Mr. S. Sivagnanam neglected to proceed with the inquiry to prove the heirship of his clients. Mr. Sultan proctor intimated to Court that he had lost touch with his clients.

14. On 7-12-51 the Court allowed the transfer of money from this case to case No. 167 Testy. The Court also by its order dated 29-10-46 made order releasing the administratrix appellant's security on application made by her on 28-10-46. The said order and the Secretary's report on the application are found in the motion paper and reads as follows.

Secretary's report.

"In this case there are so many heirs who are not children of deceased. Excepting for the fact that accounts have been filed, no scheme of distribution has been filed. There seems to be some more recoveries to be made *vide* Final account flagged. Under the circumstances, the deeds cannot be returned till these are complied with. The motion may be supported."

District Judge's order.

"No objection being raised, Final account was passed and proceedings terminated. Some time later any party interested may file papers for judicial settlement. Then the assets would be distributed. But I do not think that the security should be held not to have expired because nobody has applied for judicial settlement. Return deeds.

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15. On 6-3-52 Mr. S. Sivagnanam filed a motion and obtained a notice requiring the administratrix appellant to show cause why the administratrix appellant should not re-transfer the said amount from Testamentary case No. 167 to this case.

16. The administratrix appellant filed objections and prayed that the notice be discharged with costs on the grounds (a) to (f) set out therein.

17. After argument by counsel the learned District Judge made the following orders on 18th February, 1953. "I order that the amounts be brought back to this case. I also order the administratrix to file papers for judicial settlement before 9-3-53."

10

18. Being aggrieved with the said orders the administratrix appellant begs to appeal therefrom on the following among other grounds that may be urged by Counsel.

- (a) The said orders are contrary to law and the facts in this case.
- (b) The learned District Judge has erred in coming to the conclusion on the facts disclosed and the orders made by court earlier, that the administratrix appellant had taken an unfair advantage over the others in this case.
- (c) The learned District Judge has misdirected himself in holding that the Court had directed the administratrix appellant to file papers for judicial settlement.
- (d) The learned Judge's question to the following effect during the course of the argument, it is respectfully submitted indicates that the learned District Judge appears to have taken a wrong view against the Administratrix appellant.

Question "The security has been discharged which shows that a series of acts of fraud committed by administratrix in this case and deception practised on the Court systematically". Whereas the then learned District Judge's order on the motion filed by the administratrix appellant re security bond as shown in para 14 hereof shows the true state of affairs.

- (e) The said application by way of motion is not provided for in the Civil Procedure Code and it was open to the respondents to have filed papers for Judicial Settlement or by a separate action and brought up in revision all earlier orders made by Court in these proceedings.
- (f) The learned District Judge states "She was ordered by Court on an earlier occasion to file papers to have this estate

judicially settled." It is respectfully submitted that, though it was open to court at any time to have ordered Administratrix-Appellant to file papers for judicial settlement, the Court did not do so. On the contrary, the several respondents were directed to do so.

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10 (g) The learned District Judge is wrong in stating that the administratrix appellant was suppressing facts. A careful perusal of the motions filed and the minutes of the court staff and orders of learned Judges made thereon, it is submitted, that the administratrix appellant was correct in her duties and is entitled to plead plene administravit.

—continued.

Wherefore, the Administratrix Appellant prays that the orders (a) directing that the amounts of Rs. 7341/27 be brought back to this case and (b) directing the administratrix appellant to file proper papers for judicial settlement before 9-3-1953, be set aside and for costs of this appeal and the Court below and for such other and further relief as to your Lordships court shall seem meet.

20 (Sgd.) C. C. SOMASEGARAM,
*Proctor for Administratrix
Appellant.*

No. 49.

Judgment of the Supreme Court

No. 40.
Judgment of
the Supreme
Court.
9-5-55

S. C. No. 60.

D. C. (Inty.) Jaffna No. 605

Present :— De SILVA, J. and SANSONI, J.

Argued & Decided on :— 9th May, 1955.

S. J. V. CHELVANAYAKAM, Q.C., with C. CHELLAPAH for the Administratrix-Appellant.

30 K. SIVAGURUNATHEN with J. V. C. NATHANIEL for the 1—8th and 10—16th Respondents.

A. C. NADARAJAH for the 17 & 18th Respondents in the lower court.

DE SILVA, J.

Mr. Sivagurunathan and Mr. Nadarajah take the preliminary objection that this appeal should be rejected on the ground that certain

No. 49.
Judgment of
the Supreme
Court.
9-5-55
—continued.

necessary parties have not been made respondents to this appeal and also that Poothar Vairavy, the 9th respondent to this appeal, has not been served with notice of security and of appeal. There is no doubt that a reversal of the order appealed from, will adversely affect the parties referred to. The parties who have not been made respondents to the appeal are the 16th, 17th, 18th and 27th to the 30th respondents in the District Court. The 9th respondent has not been served with notice of security and notice of appeal probably because Mr. Sivagnanam, who appeared for the clients of Mr. Sivagurunathen, claimed to appear for the 9th respondent also, but it was the duty of the appellant to ascertain 10 whether Mr. Sivagnanam in fact did appear for the 9th respondent. If the appellant or her Proctor was sufficiently diligent it could have been easily discovered that Mr. Sivagnanam was not the Proctor for the 9th respondent but that the latter was represented by another Proctor, namely Mr. V. S. Nadarajah. Mr. Chelvanayakam, who appears for the appellant, contends that as the 16th, 17th, 18th and 27th to the 30th respondents did not participate in the inquiry which resulted in the order appealed from it is not necessary to make those parties respondents to the appeal and also because any order that might be made in this appeal will not be binding on those parties or on the 9th respondent. The fact that 20 the order will not be binding is no ground justifying the failure to make them respondents. As I observed earlier, any order made by this Court varying the order appealed from, will adversely affect those parties. It is the duty of the appellant to make all those parties who may be adversely affected by the decision in appeal respondents to the appeal.

The preliminary objection is entitled to succeed. I would therefore reject the appeal. The appellant will pay the costs of this appeal to the clients of Messrs. Sivagurunathen and Nadarajah. There will be no costs of the inquiry in the Court below.

(Sgd.) K. D. DE SILVA, 30
Puisne Justice.

SANSONI, J.

I agree.

(Sgd.) M. C. SANSONI,
Puisne Justice.

No. 50.

No. 50.
Decree of
the Supreme
Court
9-5-55

Decree of the Supreme Court

GEORGE THE SIXTH, BY THE GRACE OF GOD OF GREAT BRITAIN
IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS KING,
DEFENDER OF THE FAITH, EMPEROR OF INDIA.

D. C. (testy) 60/454

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

CHELLAMMAH wife of PHILLIP of Karaiyoor, Jaffna.
Administratrix de bonis non-Appellant.

10

Vs.

1. VELAN MARIMUTTU of CHANDILIPPAY and others.
4 to 12 and 20 to 26th Respondents.
Respondents.

605 T (old)

District Court of Jaffna.

This cause coming on for hearing and determination on the
9th day of May, 1955, and on this day, upon an appeal preferred by
the Administratrix - Appellant before the Hon. K. D. de Silva, Puisne
Justice and the Hon. M. C. Sansoni, Puisne Justice of this Court, in the
20 presence of Counsel for the Appellant and 1—8 and 10-16th Respondents
and 17th and 18th Respondents.

It is ordered that this appeal be rejected. The appellant will pay
the costs of this appeal to the clients of Messrs. Sivagurunathen and
Nadarajah. There will be no costs of the inquiry in the Court below.

(Vide copy of Judgment attached)

Witness the Hon. V. L. St. C. Swan, Puisne Justice at Colombo, the
12th day of May, in the year of our Lord, One thousand Nine hundred
Fifty five and of Our Reign the Fourth.

(Sgd.) W. G. WOUTERSZ,
Dy. Registrar, S. C.

30

(Seal)

No. 51.
Affidavit of
Vyravan
Kanapathy
15-10-55

No. 51.

Affidavit of Vyravan Kanapathy

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Estate of the late Kanapathy Kanthar of Jaffna Town.
Deceased.

Testy }
Jurisdiction } 605 Old.

Dead. Ilaiyavi Arumugam of Karaiyoor, Jaffna.

Original Administrator. 10

Chellammah wife of Philip of Karaiyoor.

Administratrix de bonis non.

Vs.

1. Chinnan, widow of Murugan of Chankanai.
2. Nannian Chinnavan of Chankani.
3. Nannian Vyravan of Chandilipay.
4. Velan Marimuttu of Chandilipay.
5. Velan Vaithian of Chandilipay.
6. Murugar Ponnar and wife.
7. Ledchumi of Chankanai. 20
8. Pathan Kanapathy and wife.
9. Ponny of Chandilipay.
10. Visuvan Kathiravelan and
11. Wife Thangamuttu of Chankanai.
12. Poothar Vairavy and wife.
- Dead 13. Muthi of Koddadi.
14. Maruchelin Anthonipillai of Kayts.
- Dead 15. Sinnakuddy Thambiah alias Saverimuttu of Kayts.
16. Rasamany, widow of Muthu of Karaiyoor.

Original Respondents. 30

17. Arumugam Veerasingham and
18. Wife Packiam both of Uduvil.

*Subtd. respondents in place of the deceased
1st respondent.*

19. Kanakaimuttu alias Rebecca of Moolai Road Chundikuly.

*Subtd. respondents in place of the deceased
15th respondent.*

20. Sinnavan Kanapathy.
 21. Sinnavan Arumugathan.
 22. Vairavan Kanapathy.
 23. Kanavathy Sellan and wife.
 24. Seethai.
 25. Sinnapodian Vally and wife.
 26. Kuddy, all of Changanai.

No. 51.
 Affidavit of
 Vyravan
 Kanapathy
 15-10-55
 —continued.

*Subtd. respondents in place of the deceased
 2nd and 3rd respondents.*

- 10 27. Vairavy Nallathamby and
 28. Vairavy Chelliah, both of Koddady.
 29. Elupollai Sinnapody and
 30. Wife, Valliammah, both of Suthumalai.

Subtd. respondents in place of the deceased 13th respondent.

I, Vyravan Kanapathy of Sandilipay do hereby solemnly sincerely and truly declare and affirm as follows :—

1. I am the 22nd respondent abovenamed.

The administratrix de bonis non has been committing a series of acts of fraud and has been practising deception systematically with a view to defraud the estate in this case.

2. The said administratrix and or personally has been collecting rents from immovable properties comprising the estate since the death of the original administrator (her father). The rents and or the incomes of the said properties collected by the said administratrix will aggregate to about fifteen thousand rupees. The said administratrix has misappropriated the said sum and thus deprived the heirs of the said sum.

3. The original administrator collected the rents and income of the said immovable properties from the time of the death of the said Kanthar till the time of his death. The said rents and income amount to fifteen thousand rupees. The estate of the said Eliavy Arumugam is being administered in case 167 Testy of this court by the said Administratrix herself. The heirs of the said Eliavy Arumugam are the said Administratrix and the 16th respondent.

4. The said Eliavy Arumugam appropriated to his own use the said sum of Rs. 15,000/- collected as aforesaid and the said Eliavy Arumugam as administrator of the estate was liable to bring to the credit of this estate the said sum of Rs. 15,000/-. Thus the estate of the said Eliavy Arumugam is liable for the payment of the sum of Rs. 15,000/-.

No. 51.
Affidavit of
Vyravan
Kanapathy
15-10-55
—continued.

5. The administratrix has failed and neglected to include the lands described in schedule "A" to the petition. The administratrix and her sister Rasamany the 16th respondent had sold or otherwise disposed of the lands referred to in the schedule "B" to the petition and have realised a sum of Rs. 20,000/- The administratrix had sold the said properties without the permission of Court.

6. The deceased Kanapathy Kanthar left behind drugs and medicines of the value of about Rs. 3000/- and the administratrix personally misappropriated the said medicine and drugs and delivered the same to certain Soosaipillai a physician of Karaiyoor, Jaffna. 10

7. The administratrix has failed to collect rents and various other debts recoverable under items 6, 7, 8 and 11 of the final account but wilfully and fraudulently allowed them to get prescribed in spite of the order of Court dated 1st November, 1946.

8. The administratrix on or about the 20th Jany. 1947 moved the Court without notice to the parties interested in the case to enter a payment order in favour of the Commissioner of Estate Duty for Rs. 607/56 cts. which was paid out of monies lying to the credit of this case.

9. I beg to submit the final account filed by administratrix is not correct in all respects. I beg to submit that 4 to 11th and 22nd to 26th respondents aforesaid are the heirs to the estate of the deceased Kanapathy Kanthar in accordance with the pedigree filed herewith.

This was read over and explained to the affirmanent and he appear to understand the same perfectly well set his hand hereto and affirmed to the truth and correctness hereof at Manipay on this 15th of October, 1955.

(Sgd.) In Tamil.....

Before me. 30

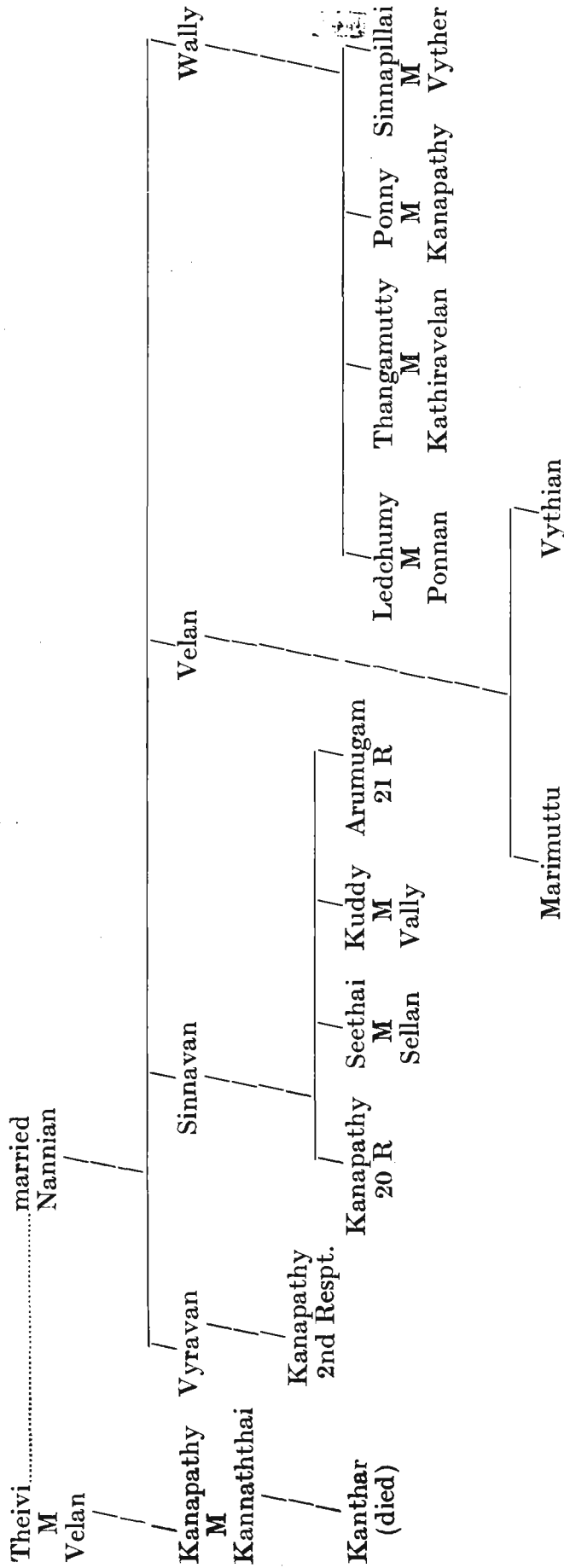
(Sgd.)

Justice of the peace.

15-X-.....

Drawn by :
(Sgd.) S. SIVAGNANAM
*Proctor for 4 to 11 and
22 to 26 Respondents.*

605 Testy: Pedigree of 4th to 11th & 20th to 26th Respondents.



(Sgd.) S. SIVAGNANAM,

Proctor for 4 to 11 & 20 to 26 Respondents.

17 - 10 - 55.

No. 51.
Affidavit of
Vyravan
Kanapathy
15-10-55
—continued.

No. 52.
Petition of
4th to 11th
and 20th to
26th
Respondents
17-10 55

No. 52.

Petition of 4th to 11th and 20th to 26th Respondents.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Estate of the late Kanapathy Kanther of Jaffna Town.

Deceased.

Testamentary }
Jurisdiction. } No. 605 (Old).

Dead. Ilaiyavi Arumugam of Jaffna Town. 10

Original Administrator.

Challhmmah wife of Philip of Jaffna Town.

Administratrix de bonis non.

In the matter of an application for Judicial settlement of the account of the administratrix de bonis non under section 729 of the C. P. C.

Chellammah wife of Karaiyoor, Jaffna.

Petitioner.

Vs.

- | | | |
|--------|--|----|
| (Dead) | 1. Chinnan widow of Murugan of Chankanai. | |
| (") | 2. Nannian Sinnavan of Chankanai. | 20 |
| | 3. Nannian Vyravan of Chandilipay. | |
| | 4. Velan Marimuttu of Chandilipay. | |
| | 5. Velan Vaithian of Chandilipay. | |
| | 6. Murugar Ponnann and wife. | |
| | 7. Ledchumi of Chankanai. | |
| | 8. Pathan Kanapathy and wife. | |
| | 9. Ponny of Chandilipay. | |
| | 10. Visuvan Kathiravelan and wife. | |
| | 11. Thangamuttu of Chandilipay. | |
| (Dead) | 12. Poothar Vairavy and | 30 |
| (Dead) | 13. Wife Muthy of Koddady. | |
| | 14. Maruchelin Anthonipillai of Kayts. | |
| (Dead) | 15. Sinnathamby Thambiah alias Saverimuttu of Kayts. | |
| | 16. Rasamany widow of Muttu of Karaiyoor. | |

Original Respondents.

17. Arumugam Veerasingham and wife.
18. Pakkiam of Uduvil.

Sub-Respondent in place of 1st Respondent.

19. Kanakamuttu alias Rebecca widow of Anthonippillai of Moolai Road, Chundikuly.

Sub-Respondent in place of the 15th respondent.

20. Sinnavan Kanapathy.
21. Sinnavan Arumugathan.
22. Vairavan Kanapathy.
23. Kanavathy Sellan and
24. Wife Seethai.
25. Sinnapodian Vally and wife.
26. Kuddi all of Chankanai.

Sub-Respondent in place of the 2nd and 3rd Respondents.

27. Vairavy Nallathamby of Koddady.
28. Vairavy Chelliah of Koddady.
29. Ellupolai Chinnapody and wife.
30. Valliammai both of Suthumalai.

Sub-Respondents in place of the 13th Respondents.

This 17th day of October 1955.

The petition by way of objection of the 4th to 11th and 20th to 26th Respondents appearing by S. Sivagnanam their Proctor states as follows:-

The administratrix de bonis non Chellammah has been committing a series of acts of fraud and has been practising deception systemetically with a view to defraud the estate administered in this case.

2. The said Chellammah as Administratrix de bonis non and or personally has been collecting rents from immovable properties comprising the estate since the death of the original administrator (the said Chellammah's father). The rents or the income of the said properties of the estate collected by the said Chellammah will aggregate to about Rs. 15,000/- the said Chellammah has misappropriated the said sum and converted to her own use and benefit and thus deprived the heirs of the said sum. The said Chellammah should be ordered and decreed to bring the said sum of Rs. 15,000/- to the credit of this case and or pay to the heirs as ordered or decreed by Court.

No. 52.
Petition of
4th to 11th
and 20th to
26th
Respondents
17-10-55
—continued.

No. 52.
Petition of
4th to 11th
and 20th to
26th
Respondents
17-10-55
—continued.

3. The original administrator Elayavy Arumugam collected rents and income of the immovable properties of the said estate from the time of the death of the said Kanapathy Kander till the time of his death. The said rents and income amount to about Rs. 15,000/- estate of the said Elayavy Arumugam is being administered in testy case No. 167 of this Court by the said Chellammah herself and the heirs of the said Elayavy Arumugam are the said Chellammah and the 16th respondent in this case.

4. The said Elayavy Arumugam appropriated to this own use the said sum of Rs. 15,000/- collected as aforesaid and the said Elayavy Arumugam as administrator of the estate was liable to bring to the credit of this estate, the said sum of Rs. 15,000/- thus the estate of the said Elayavy Arumugam is liable for the sum of Rs. 15,000/- to the credit of the estate. The administratrix de bonis non the said Chellammah should be ordered and decreed as administratrix of the estate of her father Elayavy Arumugam to bring to the credit of this case the said sum of Rs. 15,000/- or ordered and decreed to pay to the heirs of this estate the said sum as ordered by Court.

5. The Administratrix de bonis non has failed and neglected to include the lands described in the schedule A to this petition. The administratrix should be ordered to include the said lands in this estate and the said lands should be distributed as ordered by Court.

6. The administratrix de bonis non the said Chellammah and 16th respondent had sold the lands referred to in Schedule "B" to this petition and has realised a sum of Rs. 20,000/-. The administratrix de bonis the said Chellammah and her sister the 16th respondent has sold the said properties without the permission of Court. The Court may be pleased to make a declaration that the said sales are invalid and of no force or avail in law and the said lands be included in this estate for distribution.

7. The deceased Kander left behind drugs and medicines of the value of Rs. 3,000/- and the administratrix de bonis non the said Chellammah personally misappropriated the said drugs and medicines and delivered the same to certain Soosaippillai a physician of Karayoor. The said Chellammah should be personally ordered to bring to the credit of this case the said sum of Rs. 3,000/- and or ordered and decreed to pay to the heirs the said sum of Rs. 3,000/-.

8. The administratrix de bonis non states in her account that she has not collected certain rents. The petitioners state that she has collected the rents and even if she has failed to collect the rents her failure to do so is due to her own negligence and she has to bring to the credit of this case or pay to the heirs of the estate the rents shown by her as not collected.

9. The petitioners beg to submit that the Court be pleased to order the administratrix de bonis non to be examined under section 735 of the Civil Procedure Code.

No. 52.
Petition of
4th to 11th
and 20th to
26th
Respondents
17-10-55
—continued.

10. The petitioner begs to submit the final account filed by the administratrix de bonis non is not correct in all respects.

11. The petitioners beg to submit that they are heirs to the estate of the deceased Kanapathy Kander in accordance with the pedigree filed herewith which is pleaded as part and parcel of this petition.

12. The petitioners beg to submit that they be declared entitled to the proportionate share of the estate in the capacity as heirs and the estate be distributed accordingly.

13. An affidavit of the 22nd petitioner testifying the contents of this petition is annexed hereto.

Wherefore the petitioner prays :—

(a) That the account submitted by the administratrix de bonis non be judicially settled.

(b) The administratrix de bonis non be ordered and decreed to bring to the credit of this case the aforesaid sum shown in the petition and or any sum which may be found due from after judicial settlement of account and or the said administratrix de bonis non be ordered and decreed to pay to the petitioners any sum that may be found due to them.

(c) That the Court be pleased to make a declaration that sales and mortgages referred herein are invalid and of no force or avail in law.

(d) That the estate be distributed among the heirs of the estate and the petitioners be declared heirs of the estate and the proportionate shares of the estate be distributed to the petitioners.

(e) For costs and for such other and further relief as to this Court shall seem meet.

No. 52.
Petition of
4th to 11th
and 20th to
26th
Respondents
17-10-52
—continued.

Schedule A referred to.

1. Land called Poothansudukaddupulam in extent $3\frac{1}{4}$ Lms. V. C. situated at Karayoor in the parish of Chundikuli bounded on the East by the property of J. Philip North by the property of D. Annappillai and J. Thankakuddy West by road and on the South by lane this is worth Rs. 10,000/-.

2. Land called Muthalikulampulam in extent 4 Lms. V. C. $13\frac{3}{4}$ Kls. situated at Chundikuli aforesaid bounded on the East and North by the property of the heirs of Kaverialpillai West by the property of the heirs of A Kavirealpillai and road and south by the property of Vaithy 10 Manuel this worth Rs. 10,000/-.

Schedule "B" Referred to.

1. Land called Santhiravantharai (2 Lots) and described as items 58 & 59 in the inventory and other land had been mortgaged by deed No. 3982 dated 5th March 1952 and attested by C. C. Somasegaram N. P.

2. Land called Kudierruppu Valavu belonging to the estate was sold by deed No. 3842 dated 16th June 1951 attested by C. C. Somasegaram N. P.

3. Item 54 and 60 of Inventory had been mortgaged by the 16th respondents by deed No. 4057 of 26-7-52 attested by C. C. Somasegaram 20 N. P.

4. Land called "Vilankulampulam" and described as item 52 had been sold to Emily wife of Thomiapillai of Echechamodai by the Administratrix and 16th Respondent by deed No. 3843 dated 16th June 1951 and attested by C. C. Somasegaram N. P. this worth Rs. 10,000/-.

5. Land called "Thavaitharai" described as 51 in the inventory has been sold on 13th August 1945 *Vide* case No. 35 D. C. Jaffna, this worth Rs. 5,000/-.

(Sgd.) S. SIVAGNANAM,

Proctor for 4 to 11 & 20 to 26th Respondents. 30

Perused & Settled by

(Sgd.) S. KATHIRAVELPILLAI,

(Sgd.) C. PONNAMBALAM,

Advocates.

No. 53.

No. 58.
Objections
of 14th and
27th to 30th
Respondents
30-10-55**Objections of 14th and 27th to 30th Respondents.**

IN THE DISTRICT COURT OF JAFFNA.

In the Matter of the estate of the late Kanapathy Kanthar of
Jaffna Town.*Deceased.*

Testamentary	} No. 605 (Old)
Jurisdiction.	

10 Elaiyavy Arumugam of Jaffna Town.

Original Administrator.

Chellammah wife of Phillip of Karaiyur Jaffna.

*Petitioner-Administratrix de bonis Non.*In the matter of an application for Judicial settlement of the account
of the Administratrix de bonis Non under Section 729 of the C. P. C.

Chellammah wife of Phillip of Karaiyoor Jaffna.

*Petitioner.**Vs.*

- 20
- 14. Marusalin Anthonipillai of Kayts.
 - 16. Ramasy widow of Muttu of Karaiyoor.
 - 27. Vairavy Nallathamby of Koddady.
 - 28. Vairavy Chelliah of Koddady.
 - 29. Ellupolai Sinnapody and wife.
 - 30. Valliammai both of Suthumalai and others.

Respondents.

This 30th day of October 1955.

The objection of the 14th, 27th, 28th, 29th and 30th respon-
dents appearing by their Proctor V. S. Nadarajah states as
follows :—

- 80
- 1. These respondents state that they are heirs of the deceased
Kanthar as shown in the pedigree annexed hereto,

No. 58.
Objections
of 14th and
27th to 30th
Respondents
80-10-55
—continued.

2. These respondents further state that the 14th, 27th, 28th and 30th respondents are entitled to $1/8$; $1/24$; $1/24$; and $1/24$ shares respectively of this estate and that Elaiyavy Arumugam the original administrator was entitled to only a $1/4$ share of the estate of the deceased and that the administratrix de bonis non and the 16th respondent are each entitled to only a $1/8$ share of this estate.

Wherefore these respondents pray :—

- (a) they be declared entitled to the shares of the estate mentioned above.
- (b) for costs and 10
- (c) for such other and further relief as to this Court shall seem meet.

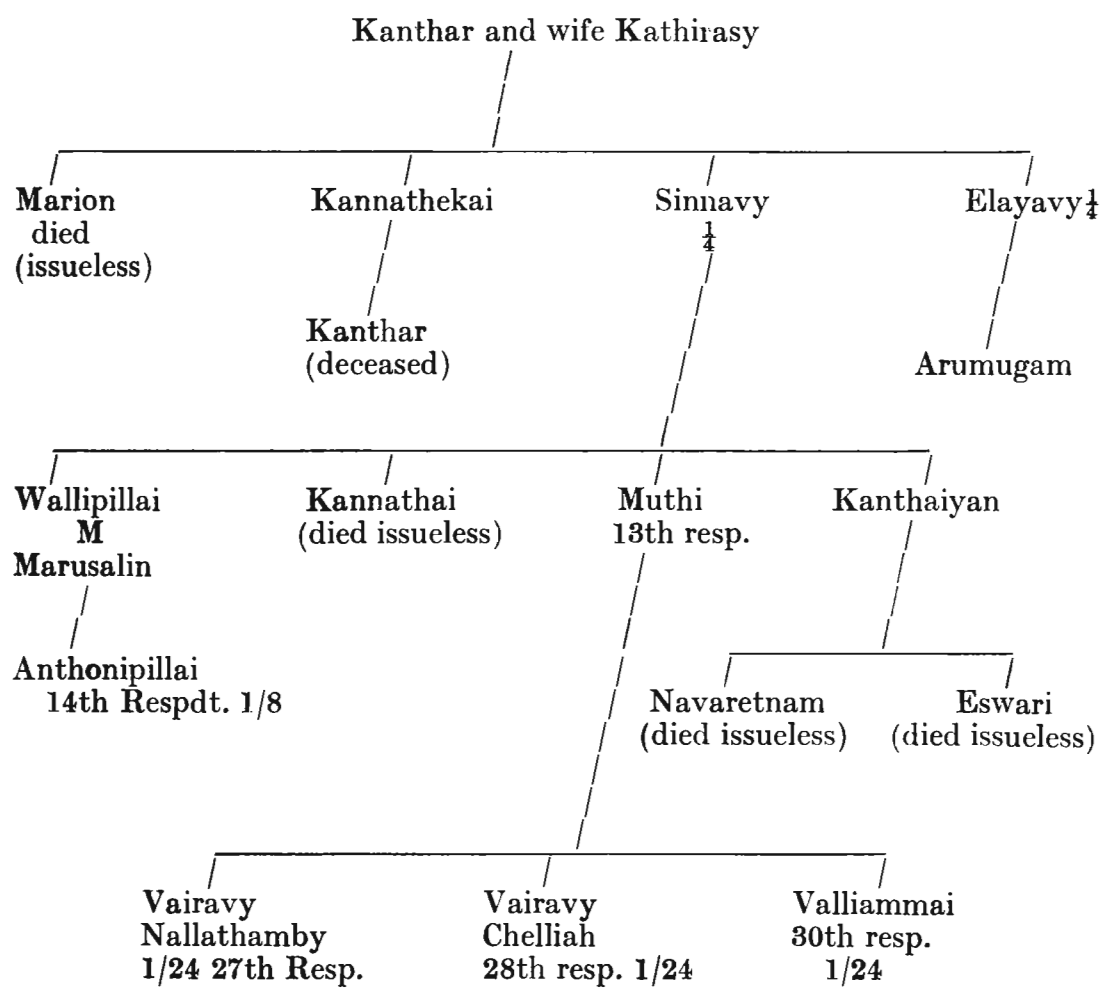
(Sgd.) V. S. NADARAJAH,

*Proctor for 14th, 27th, 28th, 29th
and 30th respondents.*

[REDACTED]

Pedigree

No. 53.
Objections of
14th & 27th
to 30th
Respondents
30-10-55
—continued.



(Sgd.) V. S. NADARAJAH,

Proctor for 14, 27th, 28th, 29th & 30 Respondents.

Objections of 17th and 18th Respondents.

IN THE DISTRICT COURT OF JAFFNA.

Testy 605 Old Series.

In the matter of the estate of the late Kanapathy Kandar of Jaffna Town.

Deceased.

Dead. Ilaiavi Murugan of do.....

Original Administrator.

Chellammah, wife of Phillip of do.

10

Administratrix de Bonis non.

In the matter of an application for Judicial Settlement of the account of the Administratrix de Bonis Non under section 729 of C.P.C.

Chellammah, wife of Phillip of Karaiyoor, Jaffna.

Petitioner.

Vs.

- | | | | |
|-------|-----|--|----|
| Dead. | 1. | Sinnan, widow of Murugan of Changanai. | |
| „ | 2. | Nannian Sinnavan of Changanai. | |
| „ | 3. | Nannian Vairavan of Sandilippay. | |
| | 4. | Velan Marimuttu of Sandilippay. | 20 |
| | 5. | Velan Vaitian of Sandilippay. | |
| | 6. | Murugar Ponnand wife. | |
| | 7. | Ledchumy of Changanai. | |
| | 8. | Pathan Kanapathy and wife. | |
| | 9. | Ponny of Sandilippay. | |
| | 10. | Visuvan Kathiravelan and wife. | |
| | 11. | Thangamuttu of Sandilippay. | |
| Dead | 12. | Poothar Vairavy and wife. | |
| „ | 13. | Mutti of Koddady. | |
| | 14. | Marusaleen Anthonipillai of Kayts. | 30 |
| „ | 15. | Sinnathamby Thambiah alias Saverimuttu of Kayts. | |
| | 16. | Rasamany, widow of Muttu of Karaiyoor. | |

Original Respondents.

17. Arumugam Veerasingham and wife.
18. Pakkiam, both of Uduvil.

Substituted respondents in place of 1st. Respondent.

19. Kanagamuttu alias Rebecca, widow of Anthonipillai
of Moolai Road.
20. Sinnavan Kanapathy.
21. Sinnavan Arumuattan.
22. Vairavan Kanapathy.
23. Kanapathy Sellam and.
24. wife, Seethai.
25. Sinnapodiyan Vally and wife.
26. Kuddy, all of Changanai.

No. 54.
Objections of
17th & 18th
Respondents
31-10-55
—continued.

10 *Substituted Respondents in place
of 2nd and 3rd Respondents.*

27. Vairavy Nallathamby of Koddady.
28. Vairavy Chelliah of Koddady.
29. Ellupolai Sinnapody and wife.
30. Valliammai both of Chuthumalai,

*Substituted Respondents in place
of the 13th Respondent.*

This 31st day of October 1955.

20 The statement of objection of the 17th and 18th Respondents
abovenamed appearing by M. M. Sultan, their Proctor, states
as follows:—

1. Answering to paragraphs 3 to 6 of the petition for Judicial
Settlement, dated 22nd July 1955 these Respondents state on 19th
August 1938 Sinnan widow of Murugan who is the 1st respondent
hereof and who is since dead, filed petition stating that she is the
daughter of the paternal uncle of the deceased, that she is not aware of
any other person who is entitled to any share left behind by the deceased
and prayed that she be declared the heir of the deceased and that
Letters of Administration be granted to her. The said Sinnan filed her
30 pedigree which is filed of record, dated 29th August 1940.

2. The said Sinnan died on 8th July 1943 leaving behind a Last
Will No. 375 dated 22-6-43 and attested by Mr. M. R. Karalasingham,
Notary Public, by which she bequeathed a half share of the estate
administered in this case to these respondents who are respectively the
grandson and grand daughter of the said Sinnan and the other half share
to (1) Sinnavy Arumugam and (2) Kanapathiar Chelliah in equal shares.

3. The said Last Will is filed in Testamentary case No. 1662 of this
Court and Sinnavy Arumugam, the Executor, under the said Will has
applied for Probate and the said case is still pending.

40 4. Elaiavy Arumugam, the original Administrator, was given Letters
of Administration without prejudice to the rights of the parties to this
action to prove heirship to the estate.

No. 54.
Objections of
17th & 18th
Respondents
31-10-55
—continued.

5. These respondents state that the said Sinnan from whom they claim the estate was the sole heir of the deceased Kandar and deny that Elaiavy Arumugam the original Administrator or the other respondents in this case are the heirs of the deceased Kandar.

6. In the event of the Court holding that the said Sinnan is the heir or sole heir of the estate administered in this case, the same is to be distributed among these respondents and Sinnavy Arumugam and Kanapathiar Chelliah the legatees under the Last Will of the said Sinnan.

7. With regard to the Inventory and final account filed by the administratrix de bonis non in this case these respondents state that they do not tally with the Inventory filed by Soosai Sebastian Aiyadurai on 31st May 1938 and by Elaiavy Arumugam, the Original Administrator on 28th July 1938 both of which are filed of record in this case.

8. These respondents further state that the Administratrix de bonis non has, wrongfully and unlawfully and without the permission of Court or notice to these respondents transferred the lands called “Vilankulam-pulam” “Kudiyiruppuvalavu” (3) “Santhiravantharai” (4) Muthalikulampulam and has mortgaged the land called Uvayady and has failed and neglected to recover the moneys due to the estate on the promissory notes and bonds in favour of the deceased disclosed by Soosai Sebastian Aiyadurai.

9. These respondents further state that the Administratrix de bonis non will not become entitled for Commission on costs in view of the strictures passed by Court against the Administratrix de bonis non with regard to her neglect of duty, attempt to suppress facts to Court at various stages and her conduct in this case.

Wherefore these respondents pray:—

(a) that the late Sinnan, wife of Murugan, the 1st respondent be declared the sole heir of the deceased Kanapathy Kandar as per pedigree filed by her.

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(b) that these respondents as legatees under the Last Will of the said Sinnan be declared entitled to the legacy under the Will viz:— $\frac{1}{2}$ share of the estate in the event of Court holding that the said Sinnan is the heir or sole heir of the estate.

(c) that the application of Elaiavy Arumugam and the Administratrix de bonis non and those of the other respondent for heirship and shares in the estate be dismissed.

For costs and for such other and for the relief as to this Court shall seem meet.

(Sgd.) M. M. SULTAN, 40
Proctor for 17th & 18th Respondents.

Perused and Settled by.
(Sgd.) A. KATHIRAVELU,
Advocate.

No. 55

**Proceedings before the District Court—Inquiry
Issues Framed**

No. 55.
Proceedings
before the
District
Court
Inquiry
Issues
Framed
12-12-55

D. C. 605/Testy.

12/12/55.

Administratrix de bonis non and 5th, 6th, 7th, 8th, 9th, 14th, 16th, 17th, 18th, 19th, 22nd, 27th, 28th, 29th, and 30th Respondents present.

Mr. Adv. Kanaganayagam with Mr. Adv. Vanniasingham instructed for the Administratrix de bonis non.

Mr. Adv. Ponnambalam with Mr. Adv. Kathiravetpillai instructed for the 4th to 11th and 20th to 26th respondents.

Mr. Adv. Soorasangaran with Mr. Adv. Jokanathan instructed for the 14th and 27th to 30th respondents.

Mr. Adv. Kathiravelu with Mr. Adv. Shanmuganathan instructed for the 17th and 18th respondents.

Mr. Adv. Thirunavukkarasu with Mr. Adv. Gurunathan instructed for the 31st to 34th respondents.

Mr. Kanaganayagam suggests the following issues:—

1. Did Kanthar and wife Kathirasi have a daughter Kathirinchi and a son Eliavy?
2. Was the deceased Kanthar, the son of Kathirinchi?
3. Was Eliavy's son Arumugam?
4. Was Arumugam the sole heir of the deceased Kanthar?
5. Are the Administratrix de bonis non and her sister, the 16th respondent, the heirs of the said Arumugam?
6. Are the 14th and 27th to 30th respondents barred by the order dated 19-2-51 from proving heirship to the estate?

Mr. Ponnambalam suggests the following further issues:—

7. Was Kanthar the legitimate son of Velan Kanapathy?
8. Was Theivy, the mother of Kanapathy, the father of Kanthar?

No. 55.
 Proceedings
 before the
 District
 Court
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 Issues
 Framed
 12-12-55
 —continued.

9. Were Velan and Nannian brothers ?
 10. Did Theivy, after the death of Velan, marry Nannian ?
 11. If so, are the respondents 4 to 11 and 20 to 26 heirs of Kanthar?
 12. If so, what portion of the estate did they inherit ?
 13. Has the Administratrix de bonis non taken the produce and income from the land and buildings belonging to the estate ?
 14. If so, what is the amount of such income ?
 15. Is the Administratrix de bonis non liable to bring the income into Court and to pay the heirs such income ?
 16. Did Arumugam, the original Administrator, take the produce ? 10
 17. What is the amount of such income ?
 18. Is Sellammah as executrix of the estate of Eliavy Arumugam liable to bring that amount into Court ?
 19. Did the Administratrix de bonis non or Sellammah in her personal capacity and the 16th respondent sell the properties referred to in schedule B to the statement of objections filed by the 4th to 11th and 20th to 26th respondents on 17-10-55 ?
 20. Has the Administratrix de bonis non failed to disclose the properties referred to in schedule "A" to the petition ?
 21. Did the administratrix de bonis non and her sister mortgage any 20 of the properties belonging to the estate without the permission of Court ?
 22. Did the deceased leave behind drugs and medicine at the time of his death ?
 23. If so, what is their value ?
- Mr. Soorasangan suggests the following issues :—
24. Have the interest of Kanthar Sinnavy devolved on the 14th, 27th, 28th and 30th respondents ?

25. If so, what share?

Mr. Kathiravelu suggests the following issues :—

26. Did Sinnan, widow of Murugan, inherit the estate of the deceased, Kanthar on the pedigree filed of record dated 29-8-40?

27. Did Sinnan die leaving behind a Last Will bequeathing her estate to the 17th and 18th respondents?

Mr. Thirunavukkarasu suggests the following issues :—

28. Have the interests of the 2nd respondent devolved on the 31st to 34th respondent?

10 29. If so, what is the extent of that interest?

Mr. Kanaganayagam objects to issue No. 9.

I ask Mr. Ponnambalam as to what he has to say to this objection.

He states that according to the pedigree that issue must stand.

I ask Mr. Ponnambalam whether it is stated either in the pedigree or the pleadings that Velan was a brother of Nannian.

He states that it is not so stated.

Therefore, I uphold the objection and disallow issue No. 9.

Mr. Kanaganayagam also objects to issues 19 to 21 and raises the following further issues :—

20 30. Did Sellammah and her sister sell any properties after the estate was closed in 1951 in their personal capacity as heirs of their father, Arumugam?

31. If so, are they accountable in this proceedings for such sale?

I accept the Issues.

(Sgd.) P. SRI SKANDARAJAH,

District Judge.

12-12-55,

No. 55.
Proceedings
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No. 56.
Evidence for
the adminis-
tratrix de
Bonis non
Evidence of
Sellammah
wife of
Pavilu
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12-12-55

Evidence for the Administratrix de Bonis non.

Case of the administratrix de bonis non.

- Sellammah, wife of Pavilu Phillip, sworn 50, Karaiyoor Administratrix de bonis non.* The 16th respondent and I are the children of Eliavy Arumugam. My father died in 1942. He was the original administrator of this estate. I draw the attention of Court to the journal entries in this case dated 20-1-41 viz., that "All Proctors are available except Mr. Asaipillai. They all agree that letters should be issued to Arumugam leaving the question of heirship open". The Deceased Kanthar died in May, 1938. My mother was Thangam. When my mother died I was about 5 or 6 years of age. At that time my parents resided at Alaveddy. After the death of my mother I was brought up by my uncle Kanthar. I lived with him at Karaiyoor. My father was an ayurvedic physician at Alaveddy and he used to pay periodical visits to his cousin Kanthar, who was residing at Karaiyoor. Till I grew up I was in Kanthar's house. I was given in marriage in 1923. I produce my deed of dowry No. 11567 of 12-11-1923 marked A1. The dowry grantor was Kanapathy Kanthar of Karaiyoor. My Christian name is Mariammah. A1 was attested by B. Joachimpillai, Notary Public. Joachimpillai's office was about 25 or 30 yards from Kanthar's house. In the dowry deed my father is described as "மெத்தனன்." My father's father and Kanthar's mother were brother and sister. Kanthar's mother was Kathirinchi. I also produce my certificate of marriage with
- A2. Phillip dated 10-11-1923 marked A2. A2 gives the names of my parents. I also produce the original of mortgage bond discharged
- A3. No. 675 of 26-1-1906 marked A3 in favour of Kathirinchi, widow of Kaithar, and Kanapathy Kanthar. A3 was discharged on 30-1-1909. A3 shows the endorsement dated 9-6-1913 signed by my uncle Kanthar. My father used to practise his profession as an ayurvedic physician at Alaveddy. He used to come to Karaiyoor also. I produce a certified copy of the certificate of death of
- A4. Kathirinchi, widow of Kaithar, marked A4, which shows that she was 85 years old at the time of her death. I knew her. The names of her parents are mentioned in cage 6 of A4. The informant of her death is mentioned as Kaithar Kanthar. I also produce a
- A5. certified copy of the Marriage certificate of my parents marked A5. My parents married on 6-11-1896. I produce the death certificate of
- A6. my mother in the year 1910 marked A6 which shows that my mother died on 28-12-1910 at Alaveddy. The informant of her death was my father. My father's parents were Eliavan and Valli. I produce
- A7. the certificate of death of Valli, widow of Eliavan, marked A7. My father Eliavan Arumugam was the informant of her death.

Kathirinchi married Kaithar at Kayts. My grandfather Eliavan had a brother Sinnavy who also got married at Kayts. Sinnavy's Christian name was Gnanapiragasam. He married one Innesam. I produce the baptismal Certificate of Gnanapiragasam dated

A8. 20-1-1860, marked A8.

(A8 objected to.
Allowed subject to proof).

(A8 read.) at the time of his baptism Gnanapiragasam was 25 years of age. Gnanapiragasam and Innesam had one child Elizabeth. I produce the baptismal Certificate of Elizabeth

10 A9. marked A9.

(A9 objected to.
Allowed subject to proof).

She was born on 25-2-1863. She was baptized on 5-3-1863. Elizabeth married one Pavilu Averan. She had no children. I produce her marriage certificate marked A10 which shows that she married on 30-6-1881. Her parents are mentioned in A10 as Gnanapiragasam and Innesam. After the death of Elizabeth Avuran married one Thangam. I do not know Thangam's Christian name. Avuran's son Ponniah by the second bed is one of my witnesses in this case. I also produce the baptismal certificate of Ponniah marked A11.

20 A11.

(A11 objected to.
Allowed subject to proof).

Ponniah was born on 1-7-1884 and his parents were Avuran and Victoria. I also produce a certified copy of the certificate of marriage of Elizabeth to Pavilu Avuran marked A12. Her marriage was registered on 30-6-1881. Some time before Kanthar died he was treated for about 9 days at the Manipay Hospital. My father and I looked after him while he was an inmate at that hospital. I deny that any of these respondents are the heirs of my late uncle Kanthar.

30 A12.

Q. Have any of these respondents during all the time that you lived in Kanthar's house come there and associate themselves as his relations?

A. No.

I became Administratrix de bonis non in 1944 after the death of my father. I swear to the correctness of the final account which I have filed. The final account was passed for the first time by Court on 24-10-46. Thereafter the 12th to 14th respondents filed petition dated 19-3-47 for Judicial settlement stating that they were heirs to half the estate of the late Kanthar. That application for judicial settlement was finally dismissed on 19-2-51. Notices on the 17th and 18th respondents were not

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No. 56.
Evidence for
the adminis-
tratrix de
Bonis non
Evidence of
Sellammah
wife of
Pavilu
Phillip
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—continued.

No. 56.
Evidence for
the adminis-
tratrix de
Bonis non
Evidence of
Sellammah
wife of
Pavilu
Phillip
Examination
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—continued.

issued. I have dealt with certain lands after the estate was closed on the footing that my sister and I are the heirs of my father. In this case a false Last Will was filed and I had to incur lot of expenses to disprove that Will. On account of that we had to sell some of the lands. During my father's life-time he looked after the properties left behind by Kanthar. After my father's death I looked after those properties and recovered rents, maintained the properties, etc. Some of the properties are situated near the Wellington Theatre. Mr. K. V. Sinnathurai was a tenant of Kanthar. The other tenants are Nagesu, Thambu and Rasa, who 10 are my witnesses. Recently some of the tenants have refused to pay the rents to me. They produced certain lease bonds from the lessor, one K. S. Ponniah of Changanai and refused to pay the rents to me. I produce the original of lease bond No. 1862 of 5-10-55

A13. attested by Mr. S. Sivagnanam marked A13. I also produce
A14. a copy of lease bond No. 1808 of 28-1-55 marked A14. The lessor is K. S. Ponniah. By A14 Ponniah has given on lease 4 lands in favour of K. V. Thambu. Ponniah executed these lease bonds on the strength of a transfer deed in his favour by the 16 persons who are the contesting respondents in this case. I produce a certified 20

A15. copy of deed No. 1769 of 7-10-54 marked A15 attested by S. Sivagnanam, Notary Public. I heard that Ponniah is the father-in-law of S. Sivagnanam. (A15 read). A15 states that in 1938 Rs. 2000/- was borrowed from Ponniah on a promissory note by the executants and Vairavan and Sinnavan. By A15 six lands have been transferred. Except Mr. V. S. Nadarajah's clients, the other respondents who executed this deed A15 never took any steps in this case till A15 was executed. I also produce the death certifi-

A16. cate of Sinnavy dated 30-10-1906 marked A16. He died at Karayoor in the house of Kanthar. The informant of his death 30 was Kanthar. In A16 Kanthar is mentioned as the son-in-law of the deceased Sinnavy. Kathirinchy and her parents were from Koddady. Kathrinchi continued to live at Koddady.



Cross-Examined. Security was fixed at Rs. 18,000/-. My father furnished the security of Rs. 18,000/-. A person from Karayoor stood surety for him. After the death of my father I was appointed administratrix de bonis non. I too was ordered to give security. I furnished security. My brother-in-law and cousin stood surety for me. No one else was my surety. I do not know who stood surety for my father. That surety is not related to me. I do not know whether Mr. Chelliah furnished security on behalf of my father. There are five boutiques near the Wellington Theatre. There is also a tin shed, I started to recover rents from those boutiques after I obtained Probate. I recovered the rents after the death of my father. My father died in 1943. I have been recovering the rents till the lease bonds were executed. In 1943 the rent for each of the boutiques ranged from Rs. 5/- to Rs. 20/- per mensem. Thambu occupied one boutique and paid me Rs. 20/- a month. Mr. K. V. Sinnathurai paid me Rs. 15/- a month. The other boutiques fetch Rs. 10/- each per month. I recovered Rs. 2/- a month from the occupant of the tin shed. I gave a boutique on rent to one Sellamuttu. I sent a letter of demand through Proctor Somasegaram to Thambu and wife for non-payment of rent. Thambu and wife paid Rs. 20/- a month by way of rent. Earlier they paid Rs 10/- a month. Now they are paying Rs. 20/- a month after I got a latrine constructed. The letter of demand was issued on 7-3-55. (The letter of demand dated 7-3-55 is 4R1 marked 4R1). On 30-3-55 I sent another letter of demand to Sellamuttu 4R2 marked 4R2 claiming Rs. 140/-. I also sent a letter of demand to Ramasamy claiming Rs. 45/- from him being arrears of rent for a period of three months. He pays me Rs. 15/- a month. (This letter of demand 4R3 is marked 4R3). I also sent a letter of demand to Thambu dated 30/3/55 4R4 marked 4R4. I also sent another letter of demand to Ramasamy marked 4R5 4R5. Besides these boutiques there is a dwelling compound at Karayoor in which I am residing. Since the death of my uncle I am residing there. If those premises are rented out it will fetch a rent of Rs. 15/- to Rs. 20/- per mensem. That house is situated at Pachchuvalai Road. There are two other lands adjoining the house at Pachchuvalai Road which also belong to the estate. Originally one of those two lands belonged to Seeniar and Sellachchi. It was purchased by Kanthar from them. They are in occupation of that land. Just before his death Kanthar told me not to get any rent from them. The other land is in the occupation of one Kanapathy, who used to do odd jobs for my uncle Kanthar. He does not pay any rent for that land. There is also another land belonging to the estate. I sold two lands, one at Eachchamoddai and the other at Karayoor. The land at Eachchamoddai is a bare land. I sold the Eachchamoddai land to a teacher. The notary who attested that deed is Mr. Somasegaram. I sold that land for Rs. 6,000/-. That land is in extent 5 lms. with a hut and kitchen. (Deed No. 3843 of 4R6 16-6-51 is marked 4R6). I sold a land situated at St. James' Church Road for Rs. 4,000/-. I transferred a land in extent 3/4th lachcham to my sister Rasamany. She paid consideration for the transfer. I did not sell any property to Anthonipillai Sellathurai and wife Mariammah

Sellammah
wife of
Pavilu
Phillip
Cross-
Examination

Sellammah
wife of
Pavilu
Phillip
Cross-
Examina-
tion
—continued.

in 1951. I sold that land to my sister and not to Sellathurai and wife. 4R7 (Deed No. 3842 of 16-6-51, is marked 4R7). Rasamany mortgaged the land near the Wellington Theatre first for Rs. 5,000/- and later on a secondary mortgage for Rs. 6,000/-. I did not mortgage any lands. To buy the 3/4th lachcham land she mortgaged a land near my dwelling compound for Rs. 1,000/-. There is a mortgage in favour of Soosai-pillai. My sister mortgaged the land in favour of Soosai-pillai. Soosai-pillai is from Karayoor. I deny that he is the man who is carrying on this litigation for me. My Proctor and I are conducting this case. I do not know whether Soosai-pillai goes and sees my Proctor occasionally. 10 Soosai-pillai was learning medicine under my late uncle physician Kanthar. (dead). It was Soosai-pillai who introduced me to Proctor Somasegaram after the death of my father. I filed an action for divorce against my husband. My husband filed answer stating that I was living in adultery with Soosai-pillai. My action was dismissed. His claim too was dismissed. I do not know whether Soosai-pillai is present in Court today. Kanthar left behind some medicines and drugs. Those drugs were made use of by my father. Soosai-pillai did not remove those drugs. I do not know the value of the drugs left behind by my uncle Kanthar. I do not know whether there is a land called Mudalikulampulam. I 20 now know this land. I do not know whether this land belonged to Kanthar at any time. I do not know anything about this land. I do not know the land called Thavasitharai. I do not know the names of the various lands left behind by Kanthar. I know the land called Thavasitharai which was transferred to Kanthar on a conditional transfer. That land has been retransferred and the money deposited in Court. I drew a commission of Rs. 1,800/-. My Proctor drew Rs. 2,045/- by way of costs. These sums were drawn with notices to the respondents. The Estate Duty of my father's estate was paid out of the money in deposit in this case. I drew the commission after the final account was passed. 80 My father's estate is being administered in case No. 167/Testy of this Court. I sent a declaration in that case to the Commissioner of Estate Duty. In that declaration I have stated that there are four sets of claimants in case No. 605/Testy. The deceased Kanthar was my father's father's sister's son. My father and I looked after Kanthar when he was ill at the Manipay Hospital. At first we had him admitted to the Jameson Ward. He was there for about two or three days and returned home. He was taken back to the hospital again. On the 2nd occasion

he was there for about four or five days. He died in the hospital and we brought the corpse to Jaffna town. I do not know whether my father informed Mr. Balasingham about the death of my uncle Kanthar. I know Balasingham. I have no grievance against him. He too has no grievance against me. I do not know Dr. Mills of the Manipay Hospital. I do not know the number of the ward in which my uncle was when he was ill. When Kanthar was ill at the Manipay Hospital none of the Changani people came there. Neither did they attend his funeral. Also no one from Koddady and Kayts attended his funeral. My father and I conducted the funeral.

Sellammah
wife of
Pavilu
Phillip
Cross-
Examina-
tion
—continued.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-12-55.

It is 4 p.m. now.

Inquiry adjourned for tomorrow.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
13-12-55.

No. 57

20 Proceedings before the District Court
Inquiry Continued

No. 141/D.C. 605/Testy.

13-12-55.

Inquiry resumed.

No. 57
Proceedings
before the
District
Court
Inquiry
Continued
13-12-55

Same appearances as on the last date. Mr. Vanniasingham is not present.

Mr. Adv. Ponnambalam states that he has an unpleasant duty to perform. He draws my attention to page 65 of the record, *i.e.*, the proceedings of 20-2-39 and draws particular attention to the fact that Mr. Kanaganayagam appeared instructed by Mr. S. Sivagnanam for the 3rd to 12th respondents on that occasion. He also submits the notes in Mr. Kanaganayagam's handwriting as regards the pedigree. He states that his Proctor Mr. Sivagnanam insists on this application being made and recorded. He submits that in the interests of his clients Mr. Kanaganayagam should not appear in this case and that he objects to Mr. Kanaganayagam appearing.

No. 57
 Proceedings
 before the
 District
 Court
 Inquiry
 Continued
 18-12-55
 —continued.

Mr. Kanaganayagam states that only after the objection was raised by Mr. Ponnambalam he recollects having appeared for Mr. Sivagnanam's clients to oppose a forged Last Will tendered by the original petitioner in this case, an illegitimate son of Kanthar, the deceased, and that the present dispute is a different one and that this dispute arose only after 1941. He further adds that his client is now prejudiced if he is not permitted to appear today. She will have to make other arrangements. Mr. Kanaganayagam maintains that it is not incorrect for him to appear in this case for the reason that that inquiry was entirely different from and independent of the present inquiry regarding heirship; He however does not want to insist on his right to appear.

Mr. Ponnambalam insists on his application.

Therefore, I grant a postponement. I order Mr. Ponnambalam's clients to pay the costs to all the other parties. Mr. Ponnambalam's application should have been made yesterday before this case commenced. It is also brought to my notice by Mr. Kanaganayagam that without any objection he appeared in 1953 for the Administratrix de bonis non in these proceedings.

Mr. Ponnambalam tenders X1 and X2. Mr. Ponnambalam further wishes it noted that two pedigrees submitted on 19-8-40 have been initialled by the then A.D.J., but not the petitioner's pedigree also tendered on 19-8-40.

Inquiry postponed for 10-1-56, 12-1-56 and 13-1-56.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 18-12-55.

No. 58
 Proceedings
 before the
 District
 Court
 Inquiry
 Continued
 10-1-56

No. 58

Proceedings before the District Court
 Inquiry Continued

No. 143/D.C. 605/Testy

10-1-56. 30

Administratrix de bonis non and 14th, 16th, 19th, 22nd, 25th, 27th, 28th and 29th respondents present.

Mr. Adv. Vanniasingham with Mr. Adv. Kathirgamalingam instructed for the administratrix de bonis non.

Other appearances as on the last date.

As Mr. Soorasangan has work in the other Court, by agreement, the cross-examination by him is taken up now.

Sellammah, wife of Philip, recalled, sworn.

Evidence for
the adminis-
tratrix de
Bonis non
continued
Sellammah
wife of
Phillip
Cross-Exa-
mination

Cross-Examined by Mr. Soorasangan. My father's father was Eliavy. Eliavy had a brother called Sinnavy. Sinnavy lived at Kodaddy, which is a part of Vannarponnai West, Sinnavy did not marry Sinnachchi. (Shown A1). A1 is the dowry deed in my favour. The 2nd attesting witness to A1 is one Sinnavy Kandiah of Vannarponnai East. I do not know the names of the attesting to my dowry deed. A1 was attested by Notary B. Joachimpillai. I do not know whether Kandiah was a son of Sinnavy. I do not know Sinnavy Kandiah. My father Eliavy Arumugam was a Hindu right through. I became a Roman Catholic to marry Philip. Before my marriage I was a Hindu. My mother too was a Hindu. (Shown A4). I knew Catherine mentioned in A4. I am now 50 or 52 years of age. I do not know Kaithar Kanthar. My uncle (intestate) was Kanapathy Kanthar. He was also known as Kaithar Kanthar. It is only after looking at A4 that I came to know that my uncle was also known as Kaithar Kanthar. My grandmother also told me that my uncle was known as Kaithar Kanthar. A4 was obtained during the life time of my father Arumugam. (Shown A16). A16 is the death certificate of Kanthar Sinnavy. The informant of his death was Kanapathy Kanthar, the intestate. Kanapathy Kanthar has given the age of Sinnavy as 60 years. I do not know whether there was any other person called Kaithar Kanthar. It was the intestate who was known as Kaithar Kanthar. My uncle Kanthar married a woman called Piragasi at Trincomalee in 1909. Prior to that he had one or two mistresses. (Shown deed No. 915 of 20-6-1904 marked 14R1). I do not know whether by 14R1 Marku Kavuriel and wife Kannattai transferred to Kanthar Sinnavy a land called Palluvilithoddam. I do not know whether according to 14R1 the 2nd attesting witness is Eliathamby Arumugam of Vannarponnai East. I have already produced the marriage certificate of Elizabeth. I did not know Elizabeth. It was my uncle Vaithy who obtained Elizabeth's marriage certificate in 1947 to be produced in this case. I do not know the pedigree filed by my father.

Cross-Examined by Mr. Ponnambalam continued. Mr. K. V. Sinnathurai was one of my tenants. I filed case No. 33 marked 4R8 against him in 1949. I obtained judgment in that case for Rs. 700/- and a further sum of Rs. 14/- per mensem from January, 1943. On the date of the judgment a sum of Rs. 100/- was paid by him. I deny that a sum of Rs. 550/- was paid by him on 7-5-46. He paid me by cheques. He paid the amount in instalments. He paid the taxes up to 1948. My tenants have been paying the rates and taxes. The taxes were deducted out of the rent. Mr. Sinnathurai paid me Rs. 14/- per mensem and the taxes. After the case was filed he paid Rs. 20/- per mensem and taxes.

Sellammah
wife of
Phillip
Cross-Exa-
mination
—continued.

4R9 For two years he did not pay the taxes. The other tenants paid the rents and I paid the taxes. I used to pay the money to the tenants to pay the taxes. Till the end of June, 1942, a sum of Rs. 1,260/- was due from Mr. Sinnathurai. I have recovered the amount in instalments. After June, 1942, he paid me at the rate of Rs. 20/- a month. He did not pay me at the rate of Rs. 25/- a month. I did not receive from him cheques for Rs. 25/- every month. A1 was executed by Kanapathy Kanthar in my favour on 12-11-1923. The notary was B. Joachim-pillai. On 12-11-1923 my father transferred certain lands in favour of my uncle Kanthar by deed No. 11566 marked 4R9. On the day the¹⁰ dowry deed was executed in my favour my father transferred certain lands in favour of my uncle Kanthar. Earlier my uncle had transferred the same lands in favour of my father. Later the same lands were re-transferred in favour of my uncle Kanthar. My uncle transferred the lands in favour of my father about 10 or 15 years prior to my marriage. I do not know the witnesses to the dowry deed in my favour and also the witnesses to 4R9. I do not know whether Sinnavy Kandiah has signed as a witness to 4R9. I do not know about the mortgage bond for Rs. 1,000 executed in favour of my uncle Kanthar by Anthonipillai and his wife Mariapillai. I do not know whether case No. 17774 was²⁰ instituted to recover the amount from them and that case was dismissed. I do not know whether Ceceliappillai, wife of Manuelpillai, executed a bond in favour of my uncle Kanthar and that case No. 17775 was filed to recover that amount. I recovered the monies due on some of the bonds and deposited same in Court to the credit of this case. I do not know whether payment orders were issued in my favour. I did not file a case against one Anthonipillai and wife Sebamalai. I do not know whether my father filed a case against them. Manuelpillai and Madelena filed an action on a conditional transfer. That conditional transfer was in favour of the deceased Kanthar. The period stipulated in the transfer³⁰ deed had not lapsed and, therefore, I retransferred the land to Manuelpillai and Madelena. I do not remember the case filed by my father against T. M. Anthony. I did not give instructions to my Proctor for the preparation of the inventory. It was my father who did so. I know T. M. Anthony. I did not recover any monies from him. It was recovered by my father. In the final account I have shown that I have recovered Rs. 17,050/- on the bonds. I do not know the various items mentioned in the inventory. My Proctor knows about them.

Q. You signed whatever your Proctor wanted you to sign ?

A. Whenever he asked me for my signature whether it was for the⁴⁰ purpose of giving security or for the final account I did so. I do not know about the bond granted by V. Chinniah and wife Sethupillai. I used to recover about Rs. 70/- or Rs. 80/- by way of rent every month. Out of the rent I paid the taxes. I do not know the land called Santhi-rantharai in extent 15 kulies and neither the land called Vilankulampulam in extent 5 Lms. (Deed No. 3981 of 5-3-52 is marked 4R10). By 4R10

I transferred a land to my sister Rasamany. By bond No. 3385 of 24-7-55
 I mortgaged one of my dowry lands. I executed a lease bond in favour
 4R11 of Thambu on 7-12-46 (Lease bond No. 2981 of 7-12-46, is marked 4R11).
 I also executed a lease bond in favour of K. Ramasamy of Nallur. (Lease
 4R12 bond No. 2982 of 7-12-46 is marked 4R12).

Sellammah
 wife of
 Phillip
 Cross-Exa-
 mination
 —continued.

(Mr. Ponnambalam states that he does not want to question the witness on the pedigree as it would tend to overlap the cross-examination already had by Mr. Soorasangan.)

10 *Cross-Examined by Mr. Kathiravelu.* Kanthar was the son of Kathir-
 rinchi, who was a christian. Kanthar was a Roman Catholic right
 throughout. He belonged to St. Mary's Cathedral, Jaffna. He was
 baptised soon after his birth. I have not produced his baptismal certi-
 ficate as it cannot be traced. I have also not produced his marriage
 certificate. His marriage certificate has been obtained. His marriage
 certificate is with my lawyers. Kanthar had one child by the union.
 The name of his child is Sinnappu, who is dead. I have not produced his
 death certificate. Sinnappu died when he was one or two years old. He
 must have died in 1912 or 1913. Kanthar had no relations at Changanai.
 I do not know when Kanthar was born. When I came to know him he
 20 was a Roman Catholic. I came to know him when I was about 5 or 6
 years of age. I did not know him before that. When I first came to
 know him he resided at Karayoor. I deny that I was Kanthar's cook.
 Kanthar's wife was alive when Kanthar was residing at Karayoor. I
 knew Aiyathurai. I heard that he was an illegitimate son of Kanthar.
 He used to come there to see Kanthar. I do not know Sinnan, wife of
 Murugan, of Changanai. I do not know the land called Uvayadi
 possessed by Kanthar. I know the land which was occupied by Mr. K.
 V. Sinnathurai. I do not know its name. There were three or four
 rooms on that land. One of those rooms was not occupied by Sinnan
 30 *alias* Sinny. From 1938 those rooms were occupied by Mr. K. V. Sinna-
 thurai, Thambu and a barber. I do not know who occupied those rooms
 from 1926 to 1929. I do not know a man called Thodangkai Murugan.
 None of Kanthar's relations attended his funeral. Among the respon-
 dents only the 16th and 19th respondents are related to Kanthar. My
 sister Rasamany attended his funeral. Rebecca also attended his
 funeral. My father conducted the funeral. I deny that Sinny
 was a cousin of Kanthar. I did not make inquiries as to who
 this Sinny was. I did not even make inquiries about the other
 respondents in this case. I do not know whether my father Arumugam
 40 gave a promissory note for Rs. 6,000/- in favour of Barrister K.
 Shanmugam.

Cross-Examined by Mr. Thirunavukkarasu. In A8 Gnanapira-
 gasam's age is given as 25. In A16 the age of the deceased is given as
 32R1 60. (Shown deed No. 2803 of 31-10-36 marked 32R1). 32R1 is a con-
 ditional transfer in favour of the deceased Kanthar. I applied in this



Sellammah
wife of
Phillip
Cross-Exa-
mination
—continued.

case for permission of Court to retransfer the land to the transferors on 32R1. I do not know whether sanction was given by Court for the re-transfer of the land to the transferors on 32R1. I heard that Kanapathy Kanthar was a bastard. I came to know about it from Kathirinchi. There are a number of tenants for the land opposite the Wellington Theatre. The tenants are Thambu, Nagesu and certain others. Nagesu pays rent at the rate of Rs. 2/- per mensem. I have effected certain improvements to the boutiques. I have accounts of the expenditure incurred by me on the improvements effected by me. I have drawn my commission from Court. The bill was taxed at Rs. 3,605/-. I did not¹⁰ recover any money other than the commission. I have spent about Rs. 2,190/75 on whitewashing, etc. After the objections were filed no repairs have been effected to the buildings. I mortgaged my dowry property in November, 1954, and August, 1955. My Proctor told me that Mr. Sivagnanam's bill of costs had been met. This case was called for fixing fresh security on 22-7-55. I mortgaged the land in July, 1955, to pay off the debt due on the earlier bond. (Bond No. 3385 of 24-7-55 is marked 33R2.) I do not know when the bond was registered. My sister and I did not share the properties belonging to this estate. I do not know whether Sivagnanam filed a motion to share the properties²⁰ among the respondents. My sister mortgaged a property in favour of my son for Rs. 6,000/- about 2 or 3 years ago. She mortgaged one of the lands opposite the Wellington Theatre. A part of the consideration was paid in the presence of the notary. The balance consideration was paid to my sister earlier. My son got the money from his father for the mortgage in his favour. I am living in separation from my husband for the last 18 years.

Re-Exami-
nation of
Sellammah

Re-Examined. I draw the attention of Court to the clause in my dowry, viz., that if I were to die-issueless the properties were to devolve on my father Arumugam. I produced deed No. 2689 one of the title deeds³⁰ recited in 4R9 marked A17. I produce deed No. 2688 of 13-12-1909 marked A18. A18 is an assignment by K. Velupillai in favour of the deceased Kanthar. By A17 Velupillai transferred to my father an undivided 3 Lms. of the property situated opposite the Wellington Theatre. My father held that property in trust for Kanthar. I also draw the attention of Court to the Value of the land that was dowried to me. The consideration in 4R9 is Rs. 1,000/-. My father was living at Alaveddy. He used to come to Karayoor very often. After my uncle's death my father settled down at Karayoor. Till my uncle died my father lived at Alaveddy. Kathirinchi married one Kaithar of⁴⁰ Kayts. He was a Roman Catholic. Kanapathy, the father of Kanthar, was from Vaddukoddai.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.

10-1-56.

N. John, sworn, 78, Sacristan, St. Mary's Church, Kayts. I am working under the Parish Priest of St. Mary's Church, Kayts. The Parish Priest has been cited to produce or cause to be produced the baptismal certificates. I have brought the register. I find from the register that A8 and A9 have been issued by the Parish Priest. I identify the signature of the Parish Priest on A8 and A9. These entries are taken from the baptismal register.

N. John
Examina-
tion

Cross-Examined by Mr. Ponnambalam. Nil.

N. John
Cross-Exa-
mination

10 *Cross-Examined by Mr. Soorasangaran.* (Shown A8). I do not know the person Gnanapiragasam mentioned in A8. I have been a Sacristan for about 7 or 8 years. I am from Jaffna. I was a teacher for about 40 years. For one year I was teaching at Kayts. I do not know the person Elizabeth mentioned in A9. I do not know the priests who have signed A8 and A9. (The baptismal Register is marked A8A).
A8A When a Hindu is baptised as a Roman Catholic his Hindu name will appear in the baptismal certificate.

20 *Cross-Examined by Mr. Kathiravelu.* The church authorities maintain a family register of persons born of Roman Catholic parents. There is a family register which was started recently. A8A was started in 1860. In A8A there are entries even from 1840. A8A refers to the Kayts register.

Cross-Examined by Mr. Thirunavukkarasu. After baptism a Roman Catholic uses his baptismal name.

Re-Examined :

Nil.

(I initial and return A8A as it is required by the Church authorities. It should be produced if and when required by this Court or the Supreme Court).

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
10-1-56.

30

S. A. Dominic, Sworn, 50, Sacristan, St. Mary's Cathedral, Jaffna.

S. A. Domi-
nic Exami-
nation

I have with me the baptismal register maintained by the authorities of St. Mary's Cathedral, Jaffna. I produce that register marked A11A. (Shown A11). According to A11 Ponniah was born on 1-7-1884. I identify the signature of Very Reverend Father Gurusalong. (Shown A10). I also identify the signature of Reverend Father N. A. Benedict, who has signed A10.

S. A. Dominic Cross-Examination

Cross-Examined by Mr. Ponnambalam : Nil.

Cross-Examined by Mr. Soorasangaran. A10 has been signed by Reverend Father N. A. Benedict, whom I know very well. Even yesterday I saw him in town. I do not know the person mentioned in A10. I was born in 1906.

Cross-Examined by Mr. Kathiravelu. I know Kanthar. His name appears in one of the registers at St. Mary's Cathedral, Jaffna. I do not know where Kanthar was baptised.

To Court :

Q. Where was Kanthar born ?

10

A. I do not know where he was born.

Cross-Examined by Mr. Thirunavukkarasu. The deceased was known as Gabriel or Kanthar. His body was buried in St. Mary's Cathedral Burial grounds. No honours were given at the burial because he was not a practising Catholic.

S. A. Dominic Re-Examination

Re-Examined :

Nil.

(I initial and return A11A as it is required by the Church authorities. It should be produced if and when required by this Court or the Supreme Court).

20

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
10-1-56.

T. M. Anthony Examination

T. M. Anthony, sworn, 64, retired Lecturer, Training College, Colombogam. Prior to that I was teaching at St. Patrick's College, Jaffna, from 1912. I married in 1914. Since my birth I am residing at Karayoor. Gurunagar is the same place as Karayoor. My house is at Bankshall Street in Karayoor. I knew the deceased Kanthar. I also knew his mother. I attended her funeral. She was known as Kathirinchi. She was buried in St. Mary's Cathedral burial grounds. I know ⁸⁰ the petitioner from her childhood. She was living with Pariari Kanthar (the intestate). I was a member of the Jaffna Urban Council for some

time. I represented Ward No. 2 in the Jaffna Urban Council. Ward No. 2 also embraces Karayoor. Kanthar was also a voter of Ward No. 2. He was my physician. He also supported me in the Urban Council elections. I had borrowed monies from him. I have settled that debt. Kanthar married one Piragasi, a woman from Trincomalee. I also attended Kanthar's funeral. He was buried at St. Mary's Cathedral burial Grounds. When he fell ill Mooper Rajendram, Arumugam, Sellammah and I took him to the Manipay Hospital for treatment. On the first occasion he was in the hospital for two days. After one or two
 10 days he was taken back to the Manipay Hospital for treatment. He died in that hospital. I was present when he died. It was I who gave him some water when he was breathing his last. Kathirinchi married one Kaithar. The intestate was known as Kanapathy Kanthar. I have spoken to Kathirinchi. Kathirinchi lived with another man called Kanapathy. The deceased was all along known as Kanapathy Kanthar. I knew notary Joachimpillai, who lived very close to my house. He practised as a notary in both English and Tamil. The 16th respondent was also present at Kanthar's funeral. I did not see any of the other respondents at the Manipay Hospital.

20 *Cross-Examined by Mr. Kathiravetpillai.* I borrowed about Rs. 2,500/- from Kanthar. After his death I paid back the debt to Arumugam. I was called upon to pay back the debt. I cannot remember whether any case was filed against me for the recovery of the money. I cannot remember when I paid the money to Arumugam. Even now I cannot say when I paid him. I paid him Rs. 2,500/-. I am not sure how much I paid him. Kanthar died in 1938. He must have died in the month of May of that year. Kanthar was a good friend of mine. Arumugam may have sued me on the mortgage bond, but I cannot remember it. I cannot remember whether I filed answer in that case.
 30 It may be that I borrowed Rs. 2,800/- from Kanthar. (Shown bond No. 19302 of 8-7-1937 marked 4R13). There was an understanding between Kanthar and myself that I was not to pay any interest on the bond. Arumugam was aware of that arrangement. I know Soosai-pillai. I do not think Soosai-pillai settled the matter between Arumugam and me. I paid the money to Arumugam in Court. I do not know whether I paid the money to him in Court or elsewhere. I now remember that an action was filed and I paid the money to Arumugam. I recollect

T. M.
 Anthony
 Examination
 —continued.

T. M.
 Anthony
 Cross-
 Examination

T. M.
Anthony
Cross-
Examina-
tion
—continued.

it after I was questioned by Counsel. Soosaipillai is my cousin. I know the petitioner personally. Soosaipillai and the petitioner are friends. But I do not know whether they are intimate. I do not know of the divorce case filed by Philip against the petitioner. I do not know the properties left behind by Kanthar.

Cross-Examined by Mr. Soorasangaran. I paid only the principal to Arumugam. I do not know whether Kanthar was a native of Koddady. He was living at Karayoor even when I was a small boy. Sellammah lived with Kanthar. I do not know whether Kanthar's relations lived at Koddady. Kathirinchi was the widow of Kaithar. I did not know¹⁰ Kaithar. I do not know whether Kathirinchi was a native of Karayoor. I did not know Kanapathy. One Kandiah also lived with Kanthar. He learnt medicine under Kanthar.

Cross-Examined by Mr. Kathiravelu. I knew the deceased Kanthar for about 40 years. Kanthar was a Hindu by birth. I do not know whether he hailed from Changani. We used to call him Pariari Kanthar. I knew Eliavy Arumugam. He was from Alavaddy. I have seen him at Kanthar's house. He used to go to Alaveddy from Karayoor. Eliavy Arumugam was also a physician.

Cross-Examined by Mr. Thirunavukkarasu. Kanthar was known as²⁰ Kanapathy Kanthar. I knew Kathrinchi for about 42 years. I attended her funeral. She died in Karayoor. Kanthar came to live at Karayoor long before I came to know him.

Q. Do you know when Queen Elizabeth came to Ceylon?

A. I cannot remember.

TO COURT :

Q. Did you go to Colombo to see the Queen?

A. No.

I have not seen Queen Elizabeth II. She did not come to Jaffna.

Re-Examined. Nil.

80

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
10-1-56.

C. S. Ponniah, affirmed, 73, Malayan pensioner, Changani East. I am the father-in-law of Proctor Sivaganam. I live in the same house as Proctor Sivagnanam. (Shown A13). I have signed this lease bond. (Shown A14). I have also signed A14. A14 is a lease by me in favour of K. V. Thambu. A13 is a lease in favour of Rasa. I got a transfer in my favour of six lands by deed No. 1769 for a sum of Rs. 6,000/-.

Q. These lands are worth over a lakh of rupees ?

A. I do not know much about the price of lands.

I had seen these lands before I purchased them. They are valuable lands. I do not know whether a lachcham of the land is worth about Rs. 4,000/- to Rs. 5,000/-. I had a look at the lands. I made inquiries about the price of lands in that area.

Q. According to your information on inquiries what is the price of a lachcham of land ?

A. I did not inquire for the price of lands there and I did not take much interest.

I thought that if I got the lands for the principal and interest due I would be satisfied. One of the lands is in extent 23 Lms. The 2nd land is in extent 2 Lms. odd with a stone built house. The property opposite the Wellington Theatre is in extent 25 Lms. odd. The 3rd land is in extent 10 acres and 36 perches. It is a paddy field situated at Pooneryn. The 4th land is in extent 2 Lms. and 2 Kulies situated at Karayoor. I did not take an interest in these lands. I inquired for the price of the lands. All the six lands are worth about Rs. 50,000/-. I got a transfer of all these lands for Rs. 6,000/-. The persons who transferred the lands to me in 1954 gave me a promissory note in 1938. They did not renew the promissory note. They gave me two promissory notes in June and August, 1938, for Rs. 1,750/- and Rs. 2,500/- respectively. The note executed in June, 1938, is not mentioned in the deed A15. I do not know whether the interest on the 1938 note was calculated at Rs. 2,500/-. (Shown A15). I have not brought my glasses to Court. Till they executed the transfer in my favour they had not paid any money on the promissory note. Both the promissory notes were prescribed on the day the lands were transferred to me. They also wanted a further sum of Rs. 1,000/- from me. One of the witnesses to the promissory note for Rs. 1,750/- is Proctor Sivagnanam, my son-in-law. The Promissory note executed in June, 1938, is in the handwriting of Mr. Sivagnanam's clerk. A15 is dated 7-10-54. The Tamil words "மற்றும் செலவழித்த பணம்" referred to in A15 refer to the expenses incurred on executing the deed. This deed also contains an undertaking that once the period lapses the transferors will not take any steps to get the lands back. My son-in-law brought to my notice that the present case was not yet decided and in spite of that I could give the money to the transferors. I also undertook to lend further monies to them to continue this litigation. The executants of the deed are people who work for us. Rs. 1,000/- passed in the presence

C. S.
Ponniah
Examina-
tion
—continued.

of the notary. A15 was executed in October, 1954. So far they have not paid any money. One of the executants to the deed A15 is present in Court. The others are absent. I did not execute any other lease bonds. My intention is to give back the lands to them even if they win this case. I have not given the lands at Karayoor on lease to one Joseph of the Jaffna Public Library. I have given on lease the lands opposite the Wellington Theatre to Thambu and Rasu. I am collecting the rents from them. Rasu paid me Rs. 500/-. One Nagesu is also living in a portion of the land as a tenant of Rasu. (Shown Nagesu). I do not know him. I do not know who is occupying the Karayoor properties. 10 My son-in-law does not collect the rents from the Karayoor properties.

C. S.
Ponniah
Cross-
Examina-
tion

Cross-Examined by Mr. Ponnambalam. Proctor Sivagnanam married my daughter in 1937. From the time of his marriage he is living at Changanai with me. He married my only child. He had become a Proctor before he married my daughter. He had started practising when he married my daughter. Mr. Sivagnanam was new to Changanai before he married my daughter. I was in the habit of lending monies. (Promis- 4R14 sory note dated 18-6-1938 for Rs. 1,750/- is marked 4R14). (The 4R15 Promissory note for Rs. 2,500/- dated 16-8-38 is marked 4R15). I know the persons who granted these notes. They used to cultivate my lands. 20

Q. You lent the money on speculation expecting to get the lands back? *A.* No.

Dr. Mills had given a chit to Kanapathy Nannian and he came and said that Dr. Mills had told them that a relation of theirs had died. The Postmaster seems to have informed Nannian Vairavan and Nannian Sinnavan and they went and saw Dr. Mills and got a chit from him and showed it to me.

Cross-Examined by Mr. Soorasangaran. Nil.

Cross-Examined by Mr. Kathiravelu. I left for Malaya in 1904. I came to Ceylon on short leave in 1910 and returned to Ceylon for good in 30 1932. I was 18 years of age when I first went to Malaya. I did not know Sinnan, wife of Murugan. I also did not know Kanthar. I have heard about him. I heard that Kanthar was related to Nannian.

Cross-Examined by Mr. Thirunavukkarasu : Nil.

Re-Examined.

The name of the Postmaster is Nadarajah. He married at Changani. He is from Koddady. I do not know Kumaru Kandiah.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.

10-1-56. 40

S. Nagesu, affirmed, 82, Tapper, Vannarponnai. I am living on a land just opposite the Wellington Theatre. I am living there for the last 40 to 50 years. Kanthar was the owner of the property in which I am residing. It was he who placed me in possession. I knew Kanthar very well. I also knew his mother. I did not pay any rent to Kanthar as I was related to him. My wife's mother was an aunt of Kanthar's father Kanapathy. I do not know Kanapathy. He was from Vaddukkodai. I have not seen Kanapathy. After the death of Kanthar I paid Rs. 5/- per mensem by way of rent to Eliavy Arumugam. After the death of
 10 Arumugam I paid the rent to the petitioner Sellammah. Last year a Proctor came and got my Signature to a writing. He is Proctor Sivagnanam. (The witness points out to Proctor Sivagnanam). Thambu did not collect any rent from me. No one else collected any rent from me.

Cross-Examined by Mr. Ponnambalam. Mr. Sivagnanam obtained a writing from me. After that I did not pay any rent to anyone. As litigation was going on I did not pay any rent to Thambu. The petitioner used to collect the rents from the tenants. Now some of the respondents are claiming the property. The other tenants are Sellamuttu and some others. I deny that there are about 25 tenants. My children and I
 20 occupy a portion of the land. Some of the tenants are Thambu, Rasa, Ramasamy, Kandasamy and a number of others. The petitioner is recovering the rents. I do not know how much she is recovering from the other tenants.

Cross-Examined by Mr. Soorasangan. I heard that Kanapathy was my wife's mother's uncle.

Cross-Examined by Mr. Kathiravelu. I knew Kanthar after he became a physician and settled down at Karayoor. It was he who placed me on the land just opposite the Wellington Theatre. When I knew Kanthar for the first time he was about 30 years of age. I know the
 30 land where I am residing. To the North of that land is Stanley Road. Stanley Road was widened in 1927 or 1928. When the road was being widened the old buildings on this land were demolished and new ones erected. I know Nanny Sinnappu, who is my cousin. Sinny and Sinnappu did not live on the land opposite the Wellington Theatre. I do not know Sinny. I do not know who occupied the old buildings on this land before they were demolished. I do not know Sinny, wife of Murugan. I do not know a man called Thodangkai Murugan.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Re-Examined. Nil.

40

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 10-1-56.

It is 3-32 p.m. now.

Inquiry adjourned for 12-1-56.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 10-1-56.

No. 59

Proceedings before the District Court
Inquiry Continued

No. 59
Proceedings
before the
District
Court
Inquiry
Continued
12-1-56

161 D.C. 605/Testy.

12-1-56.

Case for the
Administra-
trix de Bonis
non
continued

Administratrix de bonis non and 4th, 5th, 14th, 16th, 17th, 18th,
19th, 21st, 27th, 28th, 29th, 30th and 35th respondents present.

Same appearance as on the last date.

Mr. Vanniasingham closes his case reading in evidence A1 to A18.

(Sgd.) P. SRI SKANDARAJAH,
*District Judge.*¹⁰
12-1-56.

Case for the
4th to 11th
and 20th to
26th
Respondents
Dr. S. G. C.
Mills
Examina-
tion

Mr. Ponnambalam calls :

Dr. S. G. C. Mills, sworn, 77, retired Medical Practitioner, Manipay.
I was employed at the Green Memorial Hospital for 42 years. I was
employed in that hospital even in August, 1938. (Shown letter dated
20-8-38 marked 4R16.) I wrote this letter. I identify my signature on
4R16 4R16. I wrote this letter to Mr. Nadarajah, Postmaster of Changanai.
(4R16 read). In 4R16 I refer to Aiyathurai and Arumugam. I knew
the deceased Kanthar very well even before his death. Kanthar entered
the hospital on the 18th of May and died on the 19th of May, 1938.²⁰
Arumugam and Aiyathurai accompanied him to the hospital. I did
not know Arumugam. The petitioner was also there. I do not know
anything about their relationship to the deceased. I knew Aiyathurai.
But I did not know Arumugam.

Dr. S. G.
Mills
Cross-
Examina-
tion

Cross-Examined by Mr. V. S. Nadarajah. Kanthar had come to the
hospital even before he was re-admitted on the 18th day of May. He
was suffering from nephritis. On the 18th and 19th no one else except
Arumugam, Aiyathurai and the petitioner was at the hospital. On the
previous occasion some Palla people also came to see the deceased.
Earlier he was admitted to the hospital on the 11th. On that occasion⁸⁰
some 7 or 8 people came to see him. I do not know from where they
came.

Cross-Examined by Mr. Kathiravelu. Arumugam, Aiyathurai and the petitioner brought the deceased to the hospital. I do not know who removed the corpse to Karayoor. I knew the deceased Kanthar for about 38 years. I do not know from where he was brought to be admitted to the hospital. I think he may have come from Changani.

Dr. S. G.
Mills
Cross-
Examina-
tion
—continued.

Q. You know that he had relations at Changanai ?

A. How can I know ?

I knew Kanthar only as a man.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

10 Cross-Examined by Mr. Vanniasingham. I wrote 4R16 to Nadarajah. Nadarajah wrote and found out from me as to what happened to Kanthar as some Palla people went and troubled him. Neither Nadarajah nor I had any interest in this matter. I cannot now say whether Nadarajah sent that letter by post or through somebody else. I did not preserve the letter sent to me by Nadarajah. I sent 4R16 through a Palla man. 3 or 4 Palla people brought Nadarajah's letter. I did not know them before. I do not know Vairavan and Sinnavan. On the first occasion Sinnavan came to the hospital. They told me that they were close relatives of the deceased. I found out the names of only Vairavan and
20 Sinnavan. Actually the man who died told me the names of these two persons stating that they were his heirs. (The witness volunteers).

Q. My question to you was whether you found out the names of those two people when they visited the deceased at the hospital ?

A. I did not find out their names from them.

Vairavan and Sinnavan visited the deceased at the hospital.

Q. Did you ask them for their names ?

A. Yes. At that time I was going to the ward to give an injection to the deceased.

Then I asked them "Who are you" and so on. On an average 75 or
30 80 patients come to the hospital daily. I wrote 4R16 about three months after the death of the deceased. Aiyathurai created a big scene at the hospital when the man died. He was rolling on the verandah of the Dispensary.

Dr. S. G.
Mills
Cross-
Examina-
tion
—continued.

Q. Do you tell the Court that you distinctly remember that three months later these two men Vairavan and Sinnavan came there ?

A. Yes.

As soon as Nadarajah wrote to me I recollected everything that took place in a flash.

Q. Did the man who died tell you the relationship of Vairavan and Sinnavan to him ?

A. No.

Q. Do you know that these people belong to the Nalava community and not to the Palla community ? 10

A. I do not know. I thought that they belonged to the Palla community.

I remember the Last Will executed by Rajasoorair's daughter and that it was attested by notary Sinnathambu. I was also an attesting witness to that Last Will. That was not a memorable scene at the Manipay Hospital. It was only a mild scene. That Last Will was disproved. I gave evidence in that case. My evidence in that case was fully believed. I gave evidence in support of that Will.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH. 20
District Judge.
12-1-56.

V. Balasing-
ham
Examina-
tion 4R17

V. Balasingham, affirmed, 55, Medical Assistant, Manipay Hospital. (Shown death certificate of Kanapathy Kanthar marked 4R17). He died at the Green Hospital, Manipay on 19-5-38. According to 4R17 he was 71 years of age. He was suffering from nephritis. The informant was myself. I gave the information to the Registrar of Deaths. Kanthan Kannattai is given as the mother of the deceased. A relation of Kanapathy Kanthar may have given me this information. I cannot exactly say as to who gave me this information. A cousin or close relation of his 30 was present at his death. (Shown the petitioner). I cannot exactly remember whether she was there at the hospital. There were only one or two males who were present.

Q. From which part of Jaffna was that cousin ?

A. It should be from Karayoor.

It was the person who was immediately with the deceased who gave the information.

V. Bala-
singham
Examination
—continued.

Cross-Examined by Mr. Nadarajah. Kanthar was an inmate of the Manipay Hospital on one or two occasions within a period of 5 or 6 months. On the first occasion he was in the hospital for about a week. I cannot remember who and who came to the hospital to see him. (Shown 14th respondent). I cannot remember seeing him at the hospital.

V. Bala-
singham
Cross-
Examina-
tion

Cross-Examined by Mr. Kathiravelu. I remember people coming to the hospital after his death, but not before.

10 *Cross-Examined by Mr. Thirunavukkarasu.* I was not present when the deceased was brought to the hospital. The information was obtained before the corpse was removed. Soon after a person dies in the hospital we collect the necessary information. We also collect the bill before the corpse is removed from the hospital. The bill is collected by a clerk. As far as I remember there were not many people but there were one or two people. I do not remember seeing the petitioner at the hospital.

Cross-Examined by Mr. Vanniasingham. Nil.

Re-Examined.

The man who stayed with the deceased on the day of his death gave me the information.

V. Bala-
singham
Re-Exami-
nation

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

Vairavan Kanapathy, affirmed, 60. Cultivator, Sandilipay, (22nd Respondent.) My father was Vairavan. Vairavan's father was Nannian. My father died about ten years ago. Nannian had a brother called Velan. Nannian married Theivy. Velan also married Theivy. Velan and Theivy had a daughter. No. They had a son. Velan's son was Kanapathy, who married Kannattai. My father told me that Kanapathy and Kannattai lived at Koddady. Kanapathy and Kannattai had a son called Kanthar, who was a physician. Kanthar lived at Karayoor. Nannian and Theivy had four children, Vairavan, Sinnavan, Velan and Valli. Sinnavan had four children, viz., the 20th, 21st, 24th and 26th respondents. Velan had two children Marimuttu and Vaithy, the 4th and 5th respondents. Valli had four children, Ledchumy, Thangamuttu, Ponni and Sinnapillai, Sinnapillai married Vaithy. The original 20th respondent Kanapathy is dead. He left behind two children. Thangammah and Rasammah, the 22nd and 24th respondents. I knew the deceased Kanthar. I knew his mother to some extent. Her name is Kannattai. I attended Kanthar's funeral. I also visited him at the Manipay Hospital. My father too visited him there. I produce 4R1 to

Vairavan
Kanapathy
Examina-
tion

Vairavan
Kanapathy
Examina-
tion
—continued.

4R18 4R15. I produce deed No. 2476 of 11-5-52 marked 4R18 by which the 16th respondent executed a conditional transfer in favour of Thangachiammah for Rs. 4,000/-. I produce deed No. 1192 of 1-3-1953 marked
4R19 4R19 by which the 16th respondent executed a mortgage for Rs. 6,000/- in favour of Philip Francis Xavier of Karayoor. I produce mortgage
4R20 bond No. 2675 of 2/12/52 marked 4R20 by which the 16th respondent mortgaged a land for Rs. 5,000/-. I produce mortgage bond No. 4057
4R21 of 26-7-52 marked 4R21 by which the 16th respondent mortgaged two lands for Rs. 4,000/-. I produce mortgage bond No. 17105 of 28-11-1922
4R22 marked 4R22 by which V. Chinniah and wife executed a mortgage bond ¹⁰ for Rs. 1,000/- in favour of the deceased Kanthar. I produce mortgage
4R23 bond No. 3982 of 5-3-52 marked 4R23 by which the 16th respondent mortgaged a land in favour of K. Velupillai for Rs. 1,000/-. I produce
4R24 mortgage bond No. 2797 of 20-7-1936 marked 4R24 by which K. Soosai-pillai and wife Francisca Annamuttu executed a mortgage bond in favour of the deceased Kanthar for Rs. 1,000/-. I signed the transfer deed in favour of C. S. Ponniah. I transferred the lands to him because my father had obtained a loan from him earlier. He obtained the loan to spend on this litigation. I also got a loan from Ponniah after the death of my father. I got the loan from him about six years ago. ²⁰

Vairavan
Kanapathy
Cross-
Examina-
tion

Cross-Examined by Mr. Nadarajah. I knew Kannattai. I did not know her parents. Neither do I know her brothers and sisters. I do not know Sinnavy.

Cross-Examined by Mr. Kathiravelu. Kanthar was a Hindu by birth. Later he was converted to Christianity and settled down at Karayoor. My father told me that Kanthar was converted to Christianity. I do not know whether Kanthar learnt medicine under Kasturiar Velupillai. Changani, Uduvil and Sandilipay are adjoining villages. There is a Sithivinayagamoorthy Temple at Uduvil. I do not know the manager of that temple. I do not know Sinnavy Arumugattan, the man with a ³⁰ beard. I know the 18th respondent and his wife. They are the grandchildren of Sinny, widow of Murugan. I do not know whether Sinny has filed a statement of claim in this case claiming the entire property. Sinny died about 12 years ago. Sinny was the daughter of Raman. I do not know whether Raman was a brother of Kanapathy. I knew Raman. I do not know whether Raman was a son of Kathirgaman. Nannian was from Changanai. Sinny was also from that village. When I knew Kanthar for the first time I was about 40 or 42 years of age. I did not know him before that. Kannattai's husband pre-deceased her. Some members of our community have more than one name. Kanthar's mother ⁴⁰ was never known as Valli.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. I do not know whether Kanthar's Christian name was Gabriel. I attended his funeral. He was buried at St. Mary's Cathedral burial grounds. I have seen Kanthar's mother Kannattai. Kannattai died about 5 or 6 years prior to Kanthar's

death. I did not attend her funeral. I heard that she was a Hindu at the time of her death. I do not know whether she was a Christian or a Hindu. My father attended her funeral. I do not know whether she was buried or cremated. I do not know when Kanthar became a Christian. I knew Kanthar for more than 15 years. I am now 60 years of age. I knew him for the first time about 20 years ago. Kanthar died about 18 or 20 years ago. I knew him even before his death. I have visited Kanthar at Karayoor. He was living alone in his house. The petitioner went to reside with Kanthar after she attained the age of 10 puberty. I do not know whether the petitioner is related to Kanthar. I know that she was a cook in Kanthar's house. I knew Eliavy Arumugam. I do not know whether he was related to Kanthar.

Vairavan
Kanapathy
Cross-
Examina-
tion
—continued.

Q. Do you know whether Eliavy Arumugam was related to Kanthar at all ?

A. I do not know.

Arumugam took Kanthar to the Manipay Hospital. My father and I visited Kanthar at the Hospital. I used to address Kanthar as "annan." He was about 25 years older than I. My father took me to Kanthar's house. After visiting Kanthar earlier my father took me 20 there. The only social function I attended was Kanthar's funeral. Kanthar's father was related to me. I heard that Kannattai was from Koddady. I do not know when Kanapathy married Kannattai. Kanapathy had already died when my father spoke to me about Kanapathy. My father told me that Kanapathy and Kannattai had an only child Kanthar. I do not know whether Kannattai had any brothers or sisters or whether those brothers and sisters had any children. Velan had died long before I was born. My father told me about Velan.

Q. You referred to Sinnapillai, daughter of Valli ?

A. I do not know her.

30 I had an aunt called Valli. She had a daughter called Sinnapillai, who is alive. She is also a claimant. She is not a party to this case. I have sold all my inheritance to C. S. Ponniah. I have not sold all my inheritance to him. I do not know where all the lands left behind by the deceased are situated. My Proctor Mr. Sivagnanam told me that there are several lands left behind by the deceased. I went with my Proctor and saw all the lands left behind by the deceased. He showed me all the lands. It is only after that, that I came to know them. A lachcham of land is worth about Rs. 2,000/-. In all there are lands in extent about 80 or 90 lms. All the lands are worth even more than one lakh and 40 Rs. 80,000/-. We sold six lands to C. S. Ponniah for Rs. 6,000/-. We have sold all the valuable lands to him. I know the lands opposite the Wellington Theatre. I did not sell those lands to him. No. I have

Vairavan
Kanapathy
Cross-
Examina-
tion
—continued.

sold those lands also to Ponniah. Earlier we had borrowed monies from Ponniah to spend on this litigation. My father borrowed Rs. 2,500/- on a promissory note from Ponniah. He had not paid any interest on the loan. My father borrowed the money about 15 years ago. I got Rs. 1,000/- from Ponniah and sent that money to Colombo to be spent on the appeal. I also borrowed a further sum of Rs. 2,500/- from Ponniah, about 8 years ago. I did not give a Promissory note for the Rs. 2,500/- I borrowed from him. I did not give a note even for the Rs. 1,000/- I borrowed from him. It is only after we were told that we had an interest in this case that we started to spend on this litigation. My father told me so. My father told me that Kanthar did not marry anyone. He had no children. He left behind some illegitimate children. I do not know whether Kanthar himself was an illegitimate child.

Vairavan
Kanapathy
Re-Exami-
nation

Re-Examined. I know the land near Sirampiddy junction. A lachcham of that land is worth Rs. 2,000/-. It is a low-lying land. I know the land where Kanthar lived at Karayoor. The land adjoining that land belong to the 16th respondent. Two or three people are occupying those adjoining lands. I know the tenants who are occupying the lands opposite the Wellington Theatre. I heard that there was a land at Pooneryn. But I have not gone there. Nobody is in possession of that land.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

Mr. Sivagnanam moves to call Mr. M. Somasunderam, Proctor.

Mr. Vanniasingham objects as Mr. Somasundaram's name appears only in a list filed after the present inquiry commenced.

Mr. Sivagnanam states that some respectable people from Koddady were mentioned by him in a list in 1939 and those witnesses died about ten years ago and it is to speak about what those people would have given evidence that Mr. Somasundaram is being called.

ORDER.

Mr. Sivagnanam had ten years to file a list of witnesses before this inquiry commenced. I uphold the objection.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56,

S. Mathavar, affirmed, 88, Manager and Trustee of the Pillaiyar Temple at Changanai. I am a resident of Changanai from my infancy. I knew Kanthar. He was from Changanai. I know his parents Kanapathy and Theivy. They lived on a land called Kuranguthooky. S. Mathavar
Examina-
tion

TO COURT :

Q. Did Kanapathy have any other name ?

A. He was also known as Kousan. But his name was Kanapathy.

Theivy had no other name.

Examination-in-chief continued. Theivy was Kanapathy's wife.

10 Q. Do you know Sinnavan Vairavan ?

A. Yes.

He was related to Kanthar. Kanapathy was Velan's son. Velan's wife was Theivy. Kanapathy's mother was also Theivy. After the death of Velan, Theivy married Nannian. Their children are Velan, Vairavan, Sinnavan and Valli. These people are now residing at Sandilipay. Sinnavan may be having some children. I knew Kanthar when he was five years of age. He was living at Koddady. Kanapathy married at Koddady. Before his marriage Kanapathy lived at Changanai. Kanthar was born at Koddady.

20 *Cross-Examined by Mr. Nadarajah.* I do not know Sinnavy Kandiah, a physician. S. Mathavar
Cross-
Examina-
tion

Q. Do you know Sinnavy ?

A. Whose son is Sinnavy ?

Cross-Examined by Mr. Kathiravelu. Kanthar used to come to Changanai. I did not see him at Koddady. Kanapathy used to bring Kanthar to Changanai. Kanthar never lived at Changanai. I did not see Kanthar on the land called Kuranguthooky. This land Kuranguthooky was gifted to the Nalawa people by the Vellalas. I knew Sinny, wife of Murugan. A large number of Nalawa people lived on the land Kuranguthooky. About 15 to 20 families lived on that land. Sinny may have had about 12 children. Those children also lived on the land Kuranguthooky. That was about 500 years ago. I have not seen Sinny talking to Kanthar. I do not know Sinny. All the Nalawa people lived on the land Kuranguthooky. Sinnan was related to Kanthar. Sinny's husband was Murugan popularly known as Thodangkai Murugan. Two children of Sinny are alive. Sinny never

S. Mathavar
Cross-
Examina-
tion
—continued.

lived on the land Kuranguthooky. She lived on the land called Soaththupulichchi. I have never seen Kanthar attending the funerals of Sinny's children. I attended all the funerals of Sinny's children. Kanthar used to wear holy ash on his forehead. I have seen him at Kasturiar Velupillai's house. He learnt medicine under Kasturiar Velupillai. I have not been to the land opposite the Wellington Theatre. Kanthar's mother was never known as Valli.

Cross-Examined by Mr. Thirunavukkarasu.

Q. Who was Kanthar's mother ?

A. Kanny.

10

We used to call her Kanny. She had no other name.

Cross-Examined by Mr. Vanniasingham. When I knew Kanthar for the first time I was about 18 or 20 years of age. At that time Kanthar was about 5 or 6 years of age.

Q. You referred to Kanthar's mother ?

A. Her name is Theivy. No. Kanny.

Kanthar's mother was from Koddady. I came to know them for the first time when I saw Kanapathy, Kanny and Kanthar attending funerals at Changanai. Kanthar was about 35 or 40 years of age when Kanapathy died. But I cannot be definite. I did not attend the wedding²⁰ of Kanapathy and Theivy. I heard from others that Kanapathy had married. I do not know whether Kanthar became a Christian. I do not know whether Kanthar's mother ever became a Christian. Kanthar's mother Theivy died about 50 or 60 years ago. She pre-deceased her husband Kanapathy. I do not know whether Kanapathy married again. I do not know whether Kanthar's mother had married earlier. Velan was Kanapathy's father. I did not know Velan. I heard that Velan was Kanapathy's father. I knew Nannian who married Kanapathy's mother. I knew Kanapathy's mother. I was about 15 or 16 years of age when I first came to know Kanapathy's mother. She must have³⁰ been about 35 or 40 years of age at that time. I deny that I have given evidence in a number of cases in this Court. On one occasion I attended Court in connection with a case. But I did not give evidence in that case. I did not give evidence in the cases filed by one Vaithianathar of Changanai. About 15 or 16 years ago Vairavan Kanapathy asked me to give evidence in this case. I do not know whether Vairavan was alive about 15 or 16 years ago. I do not know when I received summons in this case. I did not receive summons in this case.

Q. You will be surprised to hear that your name was listed for the first time on 22-11-54 ?

S. Mathavar
Cross-
Examina-
tion
—continued.

A. (No answer).

Re-Examined. Vairavan Kanapathy asked me to give evidence. Nannian Vairavan told me " I have been living on your land. You must give evidence for me ".

S. Mathavar
Re- Exami-
nation

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

10 *M. Vallipuram*, affirmed, 98, Changanai.

M. Velu-
puram
Examina-
tion

I knew Kanthar, the deceased. I also knew his father Velan. No. Kanapathy. Kanthar's mother was known as Kannattai or Kanny. I knew her. Kanapathy's mother was Theivy and his father was Velan. Velan's brother was Kanapathy. Kanapathy's father was Velan. I do not know whether Velan had any brothers. Velan is dead. Theivy married Nannian after the death of Velan. Nannian was a brother of Velan. Nannian and Theivy had one daughter and three sons. They are Vairavan, Velan, Kanapathy and Valli.

Q. Who was Vaakkan Sinnavan ?

20 A. He was Nannian's son.

I knew Kanapathy and Kannattai personally. They were living at Changanai. Kanapathy married at Koddady.

Cross-Examined by Mr. Nadarajah. I knew Kannattai very well. I do not know her brothers and sisters.

M. Velu-
puram
Cross-
Examina-
tion

Cross-Examined by Mr. Kathiravelu. I do not know whether Kanapathy's wife was also known as Valli. I do not know whether Kannattai had a brother called Raman. I do not know Raman's daughter Sinny. I know the land called Kuranguthooky. Kanthar was born in Jaffna town (Koddady). I heard that he was born in Jaffna town. I have
30 seen Kanthar coming as a child with Kanapathy and Kannattai to Nannian's house. I do not know Sinny.

Cross-Examined by Mr. Thirunavukkarasu : Nil.

Cross-Examined by Mr. Vanniasingham. Kanapathy and Kannattai lived at Changanai for about 15 or 20 years. Kanthar did not live at Changanai. He was living in the town. I do not know whether Kanthar was born after about 15 or 20 years of his parents' marriage. I do not know whether Kanthar had any brothers. I do not know whether his parents had any other children. I do not know

M. Velu-
puram
Cross-
Examina-
tion
—continued.

whether his parents had any brothers or sisters. I do not know when Kanthar's father died. When his father died Kanthar was about ten years old. Kanthar died before his mother. I cannot remember whether Kanthar died before his mother. I knew Kanthar as a boy of five years of age. After that I had not seen him.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

Murugan
Velan
Examina-
tion

Murugan Velan, affirmed, 80, Changanai. I do not know the peti-¹⁰tioner. I knew Kanthar. He was a nephew of mine. Kanapathy was my father's sister's son. My father was Murugan. My father's sister was Theivy. Kanapathy was Theivy's son. Kanapathy married Kanny at Koddady. Kanapathy and Kanny used to earn their living by carrying loads for boutique keepers in Jaffna. They lived on a land adjoining the Vairavar Kovil at Koddady. I knew Kanapathy when I was about 10 or 15 years of age. I knew him till his death. I have visited him in his house. My brothers also used to visit him. Kanapathy pre-deceased Kanny. I used to visit Kanthar at Karayoor. Theivy's second husband was Nannian. Kanapathy was a son of Velan. Nannian had four²⁰ children, Vairavan, Velan, Sinnavan and Valli. Vairavan has a son called Kanapathy, who is present in Court. Sinnavan's children are Kanapathy, Arumugattan, Seethai and Kuddy. Velan's children are Vaithian and Marimuttan. I do not know how many children Valli had.

Murugan
Velan
Cross-
Examina-
tion

Cross-Examined by Mr. Nadarajah. I knew Kannattai. I do not know Kannattai's brothers and sisters. I attended Kanthar's funeral. He was buried at Karayoor.

Q. Were any funeral rites performed ?

A. I did not go to the crematorium. It was a Hindu funeral rite.³⁰

Cross-Examined by Mr. Kathiravelu.

Kanthar was a Hindu till his death. As it was getting late to go to my village I did not go to the crematorium. Kanthar learnt medicine under Kasturiar Velupillai. I live on the land called Kuranguthooky. It is close to the 7th mile post.

Q. A number of Palla families live on that land ?

A. There are about two or three families on that land.

(Shown the 17th respondent). I do not know him. I did not know Sinny. I knew Ponnann. I do not know whether Ponnann's mother was Sinny. Ponnann is not related to me. I heard that Ledchummy is also⁴⁰ claiming a share of this estate. Neither Ledchummy nor Ponnann is related to me.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Murugan
Velan
Cross-
Examina-
tion
—continued.

Cross-Examined by Mr. Vanniasingham. I knew Thangamuttu. She was related to me. Kathiravelan is Theivy's daughter's husband. I know Ponni. She is my niece. She is my father's sister's daughter's daughter. Kanny also died a Hindu. I attended her funeral also. Her funeral took place at Koddady. She was buried at Koddady. Thevarams were sung at her funeral. I knew Kanthar when I was about 10 or 15 years of age. Kanthar was older than I by 12 or 13 years. Till he was 25 years of age Kanthar lived at Changanai. Kanthar married
10 Kanny at Koddady. No, Kanapathy married Kanny at Koddady.

Re-Examined. Kanapathy lived at Changanai for about 25 years. Kanthar never lived at Changanai.

Murugan
Velan
Re-Exami-
nation

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

S. Thambirajah, affirmed, 72, Cultivator, Sindilipay. I knew Kanthar when he was a boy. He used to come to Sandilipay accompanied by his father. I heard that he was residing in Jaffna. I did not meet him after that. I knew Kanthar's father Kanapathy. Kanapathy married Kan-
20 nattai. I knew her. She used to come to Sandilipay. Kanapathy's mother was Theivy and his father was Velan. Velan lived at Changanai. I did not know Velan. He had died long before I was born. I have no lands at Changanai. I have lands at Sandilipay. I have been to the land where Velan's children lived. The adjoining village is Changanai. Velan's children lived about 1/4th of a mile away from my house. Theivy married Nannian after the death of Velan. I knew Nannian. Nannian's children are Vairavan, Sinnavan, Velan and Valli.

S. Thambi-
rajah
Examina-
tion

Cross-Examined by Mr. Nadarajah. Nil.

Cross-Examined by Mr. Kathiravelu. I did not know Sinny. I do
30 not know Ponnan. I know Ledchumy. Ledchumy's husband was Ponnan. I do not know whether Ponnan was Sinny's son. Ponnan was from Changanai. I knew Nannian. I did not attend Ledchumy's marriage. I do not know whether Kanthar was a Hindu by birth.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. When I first came to know Kanthar I was about 25 years of age. Kanthar was then a boy of 10 or 12 years of age. Before that I had not seen him. After their marriage I had not seen Kanapathy and Kannattai. I was about ten years old when Kanapathy married. I had seen Kanny when Kanthar was a boy
40 of 10 years of age. I saw Kanthar only on one occasion. Kanny told me that Kanthar was her son.

S. Thambi-
rajah
Cross-
Examina-
tion

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

V. Thambu
Examina-
tion

V. Thambu, affirmed, 38, Trader, Sirampiadu. I am running a Sundry boutique. I am also the Proprietor of the Muneeswara Cafe. The land on which the Muneeswara Cafe stands belongs to the Sivan Temple. I know the lands opposite the Wellington Theatre. I am running the Sundry boutique in one of those lands. The buildings on those lands belonged to Kanthar. I took one of the boutiques on rent about 14 years ago from a Muslim trader. At first I paid the rent to Arumugam. Later I paid the rent to his daughter, the petitioner. Formerly I paid Rs. 15/- per mensem by way of rent. After that I paid Rs. 20/- per mensem. For the last one year I have not paid the rent to anyone as there is litigation. There are four boutiques on that land. The rates and taxes are paid by the petitioner. Till 1946 I paid the rates and taxes. The buildings were never whitewashed. I maintain the fences. The cost of maintaining the fences is met by the petitioner. The other tenants are Ramasamy, Kandasamy and another. Some time ago Mr. K. V. Sinnathurai was also a tenant. I do not know how much Mr. Sinnathurai paid by way of rent. Ramasamy pays at the rate of Rs. 15/- per mensem. The blacksmith pays Rs. 5/- per mensem. I do not know how much the others are paying by way of rent. The adjoining land is occupied by 10 or 12 conservancy labourers. Rasu 20 told me that he paid Rs. 15/- per mensem as rent. I do not know how much Thambimuttu, Nagesu and Sellamuttu are paying as rent. When Arumugam came to collect the rent from me I asked him whether the property belonged to him. He said that there were other shareholders also and that they were from Changanai. (The witness is uneasy).

V. Thambu
Cross-Exa-
mination

Cross-Examined by Mr. Nadarajah. Arumugam did not tell me that the Changanai people were also the heirs. Arumugam was living at Changanai. Therefore, I thought that the Changanai people were also heirs.

Cross-Examined by Mr. Kathiravelu. Nil.

30

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. I entered into a deed of lease with C. S. Ponniah. On one occasion Ponniah came to my boutique in the company of some others. He questioned me as to whom I pay the rent. I told him that I used to pay the rent to the petitioner Sellammah. Ponniah wanted me to pay the rent to him. He said that the petitioner was falsely claiming the property and that the property was his. He said that the property belonged to him and wanted me to execute a lease bond. Later the petitioner came and wanted the rent from me. I told her that some other people were claiming the property as theirs. I told 40 her that I would pay the rent after the case was decided by Court. I also pay the rent for the portion of land occupied by the blacksmith. The barber who occupies one of the rooms told me that he used to pay Rs. 15/- per mensem by way of rent. I am occupying one of the rooms. I maintain two screen fences. I erected those fences for the sake of privacy. I deducted the rates and taxes from the rent I paid.

Re-Examined. Till 1946 I paid the rent but not the rates and taxes. V. Thambu
Re-Exami-
nation

To COURT :

Q. When Ponniah came and told you that he was the owner of the property did you try to contact the petitioner and find out from her about it ?

A. I did not try to find out from her.

Q. Who is the Notary who attested the lease bond ?

A. Proctor Sivagnanam. The lease bond was attested in the Public Library.

10

(Sgd.) P. SRI SKANDARAJAH,
District Judge.

Sellamuttu, wife of Thambu, affirmed, 50, Sirampiadu. I occupy a portion of the land opposite the Wellington Theatre. I pay a rent of Rs. 20/- per mensem. I also pay the rates and taxes. The rates and taxes are not deducted from the rent. I paid the rent to Sellammah. Now I do not pay the rent to anyone. The building has not been white-washed. I maintain the fences. I got a latrine constructed at my expense. Sellamuttu
wife of
Thambu
Examina-
tion

Cross-Examined by Mr. Nadarajah. Nil.

20 *Cross-Examined by Mr. Kathiravelu.* I am occupying a portion of the building from 1941. Sellamuttu
wife of
Thambu
Cross-Exa-
mination

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. I hold receipts for the rates and taxes paid by me. The petitioner has not issued receipts for the rents recovered from me. I got a sub-lease from Thambu. Thambu got a lease from Ponniah. I deny that I paid a rent of Rs. 10/- per mensem to the petitioner.

Re-Examined. Nil.

30

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56.

A. Navaratnam Examination

A. Navaratnam, affirmed, 73, Cultivator, Changanai. I knew the deceased Kanthar. I also know his parents. Kanthar's father was Kanapathy and his mother was Theivy. Kanapathy's mother was Theivy. Kanthar's mother was Kanny. Theivy's second husband was Nannian and her first husband was Velan. Nannian was Velan's brother. The children of Nannian and Theivy are Vairavan, Sinnavan, Velan and a daughter.

A. Navaratnam Cross Examination

Cross-Examined by Mr. Nadarajah. Nil.

Cross-Examined by Mr. Kathiravelu. I do not know Sinny.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. I was in Malaya for some 10 years. I went to Malaya long ago. I deny that I have given evidence in a number of cases. I have never given evidence. I was an accused in some criminal case. I have been to jail for forging my wife's signature. I know C. S. Ponniah. He is not a friend of mine. Vairavan asked me to give evidence in this case. I had a case in the Vavuniya Courts with my brother's widow and children. That was in connection with a land conveyed to my brother in trust. That land was sold at an auction sale and purchased by my brother. I claimed that land as mine. I gave evidence in that case. Ultimately I agreed to buy that property at a higher value. I bought the land from my brother's widow and children. 20 Kanthar was younger than I. I met Kanthar last about 3 or 4 months prior to his death. He died about 17 or 18 years ago. I saw Kanthar for the first time when I was about 11 or 12 years of age. At that time Kanthar was about 5 or 6 years of age. Kanthar was not born at Changanai. Kanapathy left Changanai when he was about 25 years old. When Kanapathy left for Koddady I was about 13 years of age. Kanthar was about 5 or 6 years younger than I. Kanapathy left for Koddady when I was about 2 or 3 years of age. I do not know whether Kanthar was an illegitimate child. I met Kannattai at Changanai. I knew her when I was about 9 years of age. I cannot say when I met Kannattai last. 30 Kanapathy and Kannattai lived at Koddady. They used to come to Sandilipay. I have met them at Sandilipay. I do not know whether Kannattai had any brothers or sisters. Kanapathy had no brothers or sisters. Kanapathy died at Koddady. I did not know Velan. I heard that Velan was Kanapathy's father. I also heard that Nannian married Theivy. Vairavan, Sinnavan, Velan and Valli were younger than I. Vairavan is younger than I by 13 years.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge. 40
12-1-56.

It is 3.57 p.m. Now.

Inquiry adjourned by consent for 20-1-56 as tomorrow (13-1-56) does not suit Mr. Vanniasingham.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
12-1-56,

No. 60

Proceedings before the District Court
Inquiry continued, 20-1-56.

No. 60
Proceedings
before the
District
Court
Inquiry
Continued
20-1-56

No. D. C. 605/Testy.
20-1-56.

Administratrix de bonis non and 4th, 5th, 14th, 17th, 18th, 19th, 21st, 22nd, 24th, 25th, 26th, 27th, 28th, 29th, 30th and 20A respondents present.

Same appearances as on the last date.

10 (Mr. Ponnambalam tenders a medical certificate to the effect that one of his material witnesses Nadarajah is ill with mumps and that he would not be in a position to attend Court till the end of this month.

Mr. Ponnambalam to lead all his other evidence and the evidence of this witness will be taken up on the next date. The rest of the trial will go on).

Mr. Ponnambalam calls :

Velan Marimuttan, affirmed, 40, Labourer, Sandilipay. (4th respt). ^{Velan} ^{Marimuttan} ^{Examina-} ^{tion}
I knew Pariari Kanthar. After his death one Aiyathurai sought to prove a Last Will in this Court. In that case I was the 4th respondent.
20 His application was dismissed and some adjustments were come to. Eliavy Arumugam was the 1st respondent. Later letters of administration were issued to Arumugam. That was done with my consent.

Q. What was the arrangement arrived at between you and Arumugam ?

(Mr. Vanniasingham objects to this question).

(Objection overruled).

Kanthar's father was related to us. Kanthar's mother was related to Eliavy Arumugam. It was agreed that Arumugam was to take half share of the estate and that we were to take the other half. Kanthar's
30 father and my father were brothers. Kanthar's father was Velan. No. Kanapathy. My father's name is Velan. My father's brothers were Vairavan, Sinnavan and Valli. My grandmother was Theivy. Kanapathy's mother was also Theivy. My father's father was Nannian.

Q. Were Theivy and Velan married ?

A. Yes.

Q. Were Theivy and Nannian married ?

A. Yes.

Velan
Marimuttan
Examina-
tion
—continued.

My father's brothers were Vairavan, Valli and Sinnavan. Sinnavan's children are Kanapathy, Arumugam, Seethai and Kuddy. Vairavan had a son called Kanapathy. I knew the time when Kanthar died. I attended his funeral. He fell ill before his death. Vaithilingam, a teacher, informed us that Kanthar was ill at the hospital and we visited him there. I produce the affidavit and inventory filed by the petitioner in testamentary case No. 167 of this Court marked 4R25. I produce the final account in that case marked 4R26. I also produce marked 4R27 the plaint, evidence of the petitioner and decree in case No. 33 of this Court. 4R27 was filed against Mr. K. V. Sinnathurai. I also produce 10 4R28 marked 4R28 the answer and order of settlement dated 23-3-43 in case No. 47 of the Court. 4R27 was filed by Arumugam against T. M. Anthony and wife. I also produce marked 4R29 the statement filed by the petitioner in case No. 167/Testy. I also produce the journal entries in case No. 34 of the Court filed by Arumugam against M. Anthonipillai and wife marked 4R30. I also produce marked 4R31 the journal entries in 4R31 case No. 17775 filed by Arumugam against Cecelia. I refer to the journal entry of 3-7-45 in which payment order for Rs. 575/- was issued to the petitioner in this case. I also produce a certified copy of the journal 4R32 entries in this case marked 4R32 from 21-1-41 to 2-3-54 with the certificate 20 that the journal entries from 2-6-38 to 20-11-40 are torn.

Velan
Marimuttan
Cross Exa-
mination

Cross-Examined by Mr. Thirunavukkarasu. My father's father was Nannian, who had a brother called Sinnavan. My father was Velan. Velan had three brothers Vairavan, Sinnavan and Valli. Sinnavan had a son called Kanapathy. I produce a certified copy of deed No. 2803 of 31-10-36 32R1 marked 32R1. 32R1 is a conditional transfer in favour of the deceased Kanthar of the land called Thavasitharai. I produce deed No. 3385 of 32R2 24-7-55 marked 32R2 by which the petitioner mortgaged this property for Rs. 7,000/-. I produce the encumbrance sheet relating to the land 32R3 called Periakulathady marked 32R3. 30

Cross-Examined by Mr. Jokanathan. There was an agreement between us and Eliavy Arumugam by which half the estate should come to us and the other half to Eliavy Arumugam. I know Sinnavy's heirs. They were also present on that occasion.

Q. A half was to devolve on Arumugam and Sinnavy's heirs ?

A. Yes.

Cross-Examined by Mr. Kathiravelu. I know the 17th and 18th respondents. They are the grand-children of Sinny. I knew her. She also claimed a share in this estate. I do not know whether Sinny also took part in the agreement. I do not know whether she was the daughter 40 of Raman. She was from Changanai. Kanapathy and Kanthar were also from Changanai. Kanapathy lived on the land called Kuranguthooky. Sinny lived on a land about a call's distance from the land called Kuranguthooky. She lived on her own land. I do not know whether Sinny also lived on the land called Kuranguthooky.

Cross-Examined by Mr. Vanniasingham. The agreement I spoke of took place in 1940. On one occasion Pasupathy and Arumugam came to Changanai to discuss about the agreement. On that occasion Vairavan, Sinnavan, Ledchumy, Thangamuttu, Ponnu, Sinnapillai and I were present. At that time Sinnapillai was a minor. Sinnavan's children were not present on that occasion. Our Proctor was also present on that occasion. The matter was discussed between us. (Journal entry of 20-1-41 read). I am 40 years of age. I do not know when Kanapathy lived on the land Kurunguthooky. I heard that he lived there. I did not know
 10 Kanapathy, Velan and Nannian. I do not know whether Theivy and Velan were legally married. I also do not know whether Kanapathy was legally married.

Velan
 Marimuttan
 Cross Exa-
 mination
 —continued.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 20-1-56.

Mr. Ponnambalam states that he is not calling any other evidence except the witness Nadarajah, who is suffering from mumps. He will be given an opportunity to do so on the next date.

20

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 20-1-56.

Mr. Thirunavukkarasu states that he is not calling any evidence. He tenders the documents 32R1 to 32R3.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
 20-1-56.

Mr. Jokanathan calls.

Vairavy Chelliah, affirmed, 50, Mason, Koddady. I knew the deceased
 30 Kanthar. His parents were Kanapathy and Kannattai. Kannattai's brothers were Mariyan, Sinnavy and Eliavy. Sinnavy married Sinnachchi. Sinnavy's children are Valli, Kannattai, Mutty and Kandiah.

Case for the
 14th and
 27th to 30th
 Respondents

Vairavy
 Chelliah
 Examina-
 tion

Q. Was Valli known by any other name ?

A. No.

Valli married Marusalin. They had a child called Anthonipillai, the 14th respondent. Kannattai did not leave behind any issue. Kandiah had two children, who are dead. Mutty married Vairavy. Mutty and Vairavy's children are Nallathamby, myself and Vallipillai. Vallipillai was not known by any other name. I produce deed No. 5410 of
 14R2 40 13-12-1917 marked 14R2 by which Sinnachchi, widow of Sinnavy, Kannattai, daughter of Sinnavy, and Poothan Vairavan transferred a land to Mutty, daughter of Sinnavy. Sinnachchi was Sinnavy's wife. Kannattai was a daughter of Sinnavy. I draw the attention of Court to paragraph

Vairavy
Chelliah
Examina-
tion
—continued.

2 of 14R2. Kanthan Sinnavy was my grand-father. Sinnavy referred to in 14R2 was my grand-father. I produce Fiscal's conveyance No. 18 of 25-1-1917 marked 14R3 by which a land belonging to Sinnavy Kandiah was sold in execution. Sinnavy Kandiah was my uncle. Sinnavy was my maternal grand-father. I also produce marked 14R4 bond No. 2426 of 5-5-1917 by which Sinnavy Kandiah mortgaged a land. I visited the deceased Kanthar at the Manipay Hospital. I also attended his funeral. I do not know his mother Kannattai personally.

Cross-Examined by Mr. Kathiravelu.

Q. Are you familiar with your pedigree ?

10

A. Yes.

I do not know whether in my pedigree the name of Kannattai's husband is not mentioned. Kanthar was born at Koddady. He was not from Changanai. Kanthar's father was Kanapathy. My parents told me that Kanapathy was from Changanai. I did not know Sinny. I do not know whether Sinny was also a claimant.

Cross-Examined by Mr. Thirunavukkarasu. I did not know Kanthar's mother. I may have seen her. She was known as Kannattai.

Cross-Examined by Mr. Ponnambalam. Nil.

Vairavy
Chelliah
Cross
Examina-
tion

Cross-Examined by Mr. Vanniasingham. Mutty married Vairavan.²⁰ In 14R2 Mutty is described as the daughter of Sinnavy. I cannot explain why my mother Mutty is described as the daughter of Sinnavy in 14R2. My father Vairavan was alive when 14R2 was executed. The names Sinnavan, Vairavan, Kanthan, Kanapathy, Nannian are common names. I do not know when my grand-father Sinnavy died. Sinnavy died a Hindu. My parents told me so. I do not know whether it was Kanthar who gave the information to the registrar about the death of Sinnavy. I do not know where and in whose house my grand-father Sinnavy died. I was told that he died in Kanthar's house. Kanthar was a Hindu and not a Roman Catholic. I do not know whether he became a Roman⁸⁰ Catholic. Kanthar's mother was not a Roman Catholic, but a Hindu. I have been to Kanthar's house. I have been visiting him even before I was 25 years of age. I have been visiting him from the time I came to know things. I have been visiting him from my 8th year. I have been to his house for more than 40 years. I did not know his mother. I have been to Kanthar's house even before the death of his mother. One Eliavy Arumugam used to visit Kanthar. His children also used to visit Kanthar. Arumugam was Kanthar's "மச்சாணி" (Cousin). I heard that when Sinnavy fell ill he was taken to Kanthar's house for treatment. Sinnavy's mother was Kathirasi. Sinnavy's father was Kanthar. I do⁴⁰ not know whether any of Sinnavy's children gave information to the

Registrar about the death of Sinnavy. I do not know whether Sinnavy was baptised at Kayts. I also do not know whether he married at Kayts. I do not know whether he married one Innesam. I do not know Elizabeth and Pavilu Avuran. I know Avuran Ponniah. I do not know whether Pavilu Avuran married Elizabeth. Avuran Ponniah and I are masons. Ponniah may be related to me. I do not mix with him freely. I do not know whether Pavilu Avuran married for the first bed Sinnavy's daughter Elizabeth. I have not produced the birth certificates of my mother's brothers and sisters. I have also not produced my birth certificate to show that Mutty was my mother. I have also not produced the marriage certificate of Sinnavy and Sinnachchi. I do not know whether Sinnavy and Sinnachchi were legally married. Eliavy Arumugam was an uncle of mine "மாமன்". My mother and Eliavy Arumugam were cousins. I have been visiting Eliavy Arumugam at Alaveddy. He died about 10 or 12 years ago. I attended his funeral. Arumugam, died at Karayoor. Kanthar's mother also died at Karayoor. I have not seen her.

Vairavy
Chelliah
Cross-Examination
—continued.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

20

Mr. Jokanathan closes his case reading in evidence 14R1 to 14R4.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

Mr. Kathiravelu calls.

Sinnavy Arumugam, affirmed, 80, Poosari, Vannarponnai, Jaffna.
I am the Proprietor of the Siththivinayagar Temple. I am also the Manager of that Temple. It is an ancient temple. Before me my father was the manager of that Temple. I knew the deceased Kanthar. He was related to me. Kanthar's father was Kanapathy. Kanapathy had no brothers or sisters. He had some cousins. I knew Sinny, wife of Murugan. Sinny was the grand-mother of the 17th and 18th defendants. Sinny's father was Murugan. No. Ramu. Ramu was related to Kanapathy. Ramu and Kanapathy were Kathirgaman's sons. I came to know the deceased Kanthar prior to 1901. He used to come to my Temple. I used to sing the Puranam and he used to explain its meaning. I did not know Kanthar's mother. Kanthar was brought up by Sinny, widow of Murugan.

Case for the
17th & 18th
Respondents

Sinnavy
Arumugam
Examination

Sinnavy
Arumugam
Examina-
tion
—continued.

TO COURT :

Q. What about Kanthar's mother ?

A. Kanthar's parents died when Kanthar was young and that is how he came to be brought up by Sinny.

I do not know when Kanthar's mother died. She may have died before 1901.

Examination-in-chief (contd.) Sinny and Kanthar used to come to the Temple together. Sinny was a cousin of Kanthar.

(Sgd.) P. SRI SKANDARAJAH,
District Judge. 10
20-1-56.

Resumed after lunch.

Sinnavy Arumugam, recalled, affirmed. Kanthar was brought up by Sinny after the death of his parents. Kanthar and his parents lived on the land called Periakarni of Kuranguthooki in Changanai. Sinny also lived on that land. Later she moved on to another land. The land Kuranguthooki belongs to some Vellala people.

Q. Did Kanthar learn medicine under anybody ?

A. Under Kasturiar Velupillai.

Murugan was the husband of Sinny. He was popularly known as ²⁰ Thodanga Murugan. I do not know for what length of time Kanthar was an apprentice under Kasturiar Velupillai. After learning medicine he went and lived at Karayoor. I know the land opposite the Wellington Theatre. That was one of the lands that Kanthar purchased. Sinny lived in a hut on this land before the widening of the Stanley Road took place. On one occasion I happened to go to that land and on that occasion Kanthar came in a cart. Sinny also came from somewhere. By accident both of them met at that place and Sinny was allowed to live there by Kanthar. Sinny had about 12 or 13 children. Six of them are dead. My elder brother married a daughter of Sinny. I attended the ³⁰ funerals of Sinny's children. Kanthar attended my elder brother's funeral. He also attended Veerasingham's wedding. Veerasingham's father was Sinny's son-in-law. Kanthar also attended some of the social functions in Sinny's house. Sinny and her children may have visited Kanthar at Karayoor. I attended Veerasingham's wedding. Veerasingham and his wife may have visited Kanthar after their marriage.

I was told that Sinny's people also visited Kanthar at the hospital when he was ill. By the time I went to the hospital on hearing of Kanthar's illness he had already died. I attended his funeral. He was buried in the Roman Catholic burial grounds. Veerasingham and his wife also attended his funeral. Aiyathurai and the petitioner's father Eliavy Arumugam attended to the funeral arrangements, of Kanthar.

Sinnavy
Arumugam
Examina-
tion
—continued.

Cross-Examined by Mr. Jokanathan. I did not know Eliavy, the father of Arumugam. I did not know Kanthar's mother personally. I did not know Sinnavy who lived at Koddady. I am now residing at 10 Sayakara lane. I deny that I figured in many cases in this Court. I had a civil case in this Court. Some criminal cases were filed against me. I have been to Jail. I was in Jail for about a month. I was charged with robbery and sent to Jail. I deny that I have come to give false evidence in this case. I did not receive summons in this case. Sinny has executed a Last Will bequeathing her properties to me and three others. I filed testamentary case No. 1662 of this Court. I am interested in this case because Sinny has executed a Last Will in favour of Veerasingham, Pakiam, Chelliah and myself.

Sinnavy
Arumugam
Cross-Exa-
mination

Cross-Examined by Mr. Ponnambalam. If Sinny is held not to be an heir I will not be entitled to my share of this estate. My evidence on the pedigree is what I heard from my father Sinnavy. Sinny left no other property.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Vanniasingham. In the Temple case I was questioned whether I stabbed my wife. I was convicted of stabbing my wife. I admitted that I stabbed my wife. I had a Temple case in this Court. I had no other cases in this Court. I had two cases regarding the Temple. I had about 6 to 7 criminal cases. Chelliah is my brother-in-law. He is popularly known as "Paper Chelliah". I married his 30 sister. Chelliah's mother was related to Sinny. I started to take an interest in this case after Sinny executed a Last Will. Nobody asked me to give evidence in this case. Because of the Last Will executed by Sinny I have come to Court to give evidence.

Q. You are now conducting the case on behalf of Veerasingham and Pakiam.

A. Yes.

Re-Examined. Nil.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

Pakiam wife
of
Veerasing-
ham
Examina-
tion

Pakiam, wife of Veerasingham, affirmed, 38, Uduvil. 18th respondent. The 17th respondent Veerasingham is my husband. I am a daughter of Ponnar. Ponnar was a son of Sinny, the original 1st respondent. Veerasingham is a son of Seedevi, a daughter of Sinny. Sinny was Kanthar's daughter. No, Raman's daughter. Raman had a brother called Kanapathy. I did not know these persons personally. My grand-mother Sinny told me about the pedigree. Kanapathy had a son called Kanthar, the deceased. Kanapathy and Raman were the children of Kathirgaman. Kanapathy and Raman were from Changanai. Kanapathy and Sinny lived on the land called Kuranguthooky. Later,¹⁰ Kanthar migrated to Karayoor. Kanthar became a Roman Catholic. Eliavy Arumugam also lived with Kanthar. Eliavy Arumugam was related to Kanthar. No. Sinnavy and Vairavan were not related to Kanthar. My father told me that Eliavy Arumugam was from Alaveddy. I attended Kanthar's funeral. It was only then that I came to know from others that Eliavy Arumugam was from Alaveddy. Kanthar died at Karayoor. The administratrix is from Changanai. No. She is from Karayoor. She is Eliavy Arumugam's daughter. She married at Karayoor. The administratrix is from Alaveddy. Sinnavy and Vairavan were from Changanai. Kanthar used to come to our house. I²⁰ married in 1933. At that time Kanthar was alive. He attended my wedding. On that occasion he gave me Rs. 10/- and Rs. 15/- to my husband by way of presents.

Q. Did you visit Kanthar after your marriage ?

A. Yes.

Pakiam wife
of
Veerasing-
ham Cross
Examina-
tion

Cross-Examined by Mr. Jokanathan. Sinny died in 1942. She filed objections to the Will sought to be propounded by Aiyathurai. We did not get any notice from the administratrix in this case. Our Proctors were Vaithilingam and Shanmuganathan.

Cross-Examined by Mr. Thirunavukkarasu. Nil.

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Cross-Examined by Mr. Ponnambalam. I am one of the legatees mentioned in Sinny's Last Will. If Sinny is held not to be an heir of Kanthar, we will not get anything out of this estate. Except Kanthar's property Sinny has no other property.

Cross-Examined by Mr. Vanniasingham. Sinnavy Arumugam and Chelliah are entitled to a half share of this estate under the Last Will left behind by Sinny. Arumugam and Chelliah are not related to Sinny. I did not know Kanthar's mother. I have been to Kanthar's house. The petitioner and her sister lived with Kanthar. Eliavy Arumugam also lived there. Arumugam brought his children to Kanthar's house. Arumugam⁴⁰ was working under Kanthar. I do not know whether Kanthar has described Eliavy Arumugam as his "மைத்துனாள்". I heard that Kanthar was buried in the Roman Catholic burial grounds. I attended his funeral.

Aiyathurai and Eliavy Arumugam were in charge of the funeral arrangements. The petitioner also was there. Because we were living far away and as it was difficult for us to do anything we allowed Eliavy Arumugam to look after the properties left behind by the deceased Kanthar and take the income. Sinny lived with me. I learnt about the pedigree from Sinny after the death of Kanthar and before Sinny's death.

Pakiam wife
of
Veerasing-
ham Cross-
Examina-
tion
—continued.

Re-Examined. At the time of her death Sinny was 94 years old.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

10

Mr. Kathiravelu closes his case.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

Inquiry adjourned for 8-2-56.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
20-1-56.

No. 61.

20

Proceedings before the District Court
Inquiry Continued.

D.C. 605/Testy.
8-2-56.

Administratrix de bonis non and respondents present.

Same appearances as on the last date.

Mr. Ponnambalam calls.

K. Nadarajah, affirmed, 57, Sub-Postmaster, Changanai. (Shown 4R16). This letter was sent to me by Dr. Mills. (4R16 read). This letter is about Kanthar's Will in favour of Aiyathurai. 4R16 is in reply to a letter I sent to Dr. Mills. I wrote to Dr. Mills at the instance of Vairavan and Sinnavan. They told me "Kanthar is dead. We are the heirs. He has executed a Last Will. We want your help." I am from Jaffna. I married at Changanai in 1924. Since then I am residing at Changanai. I am from Sirampiadu. I am working as a Sub-Postmaster for the last 29 years.

No. 61
Proceedings
before the
District
Court
Inquiry
Continued
8-2-56.

K. Nadara-
jah Exami-
nation

Cross-Examined by Mr. Thirunavukkarasu. Nil.

Cross-Examined by Mr. Soorasangaran. Nil.

Cross-Examined by Mr. Kathiravelu. Nil.

Cross-Examined by Mr. Vanniasingham. Nil.

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(Sgd.) P. SRI SKANDARAJAH,
District Judge.
8-2-56.

No. 62
Addresses
to Court
8-2-56.

No. 62

Addresses to Court

Mr. Ponnambalam closes his case.

As Mr. Soorasangaran has work in the other Court he addresses first.

Mr. Kathiravelu addresses Court.

Mr. Thirunavukkarasu addresses Court.

Mr. Ponnambalam addresses Court. Mr. Kathiravetpillai continues the address on behalf of Mr. Ponnambalam.

Mr. Vanniasingham is unable to be present in Court in the afternoon.
By consent, further hearing on 17-2-56. 10

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
8-2-56.

No. 63
Proceedings
before the
District
Court
17-2-58

No. 63

Proceedings before the District Court

D.C. 605/Testy.
17-2-56

Same appearances as on the last date.

Mr. Vanniasingham addresses Court.

C. A. V. 20

Judgment on 16-3-56.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
17-2-56.

No. 64

Judgment of the District Court

No. 64
Judgment of
the District
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28-3-56

D.C. 605/Testy.
28-3-56.

JUDGMENT

These proceedings are in respect of the estate of one Kanapathy Kanthar, who died on 19-5-1938. He died issueless. He belonged to the Nalawa community. He was a physician, who appears to have amassed wealth. He lived and practised his profession at Karayoor. His death¹⁰ took place at the Manipay Hospital.

On 1-6-1938 one Aiyathurai, an illegitimate son of the deceased Kanthar, produced in Court an alleged Will of Kanthar and asked for Probate. Eliavy Arumugam intervened, denied that Kanthar left behind a Last Will and claimed the entirety of the estate as sole heir, (*vide* objections filed by him on 28-7-38). He alleged that he was the son of Kanthar's mother's brother Eliavy.

Sinnan *alias* Sinny, widow of Murugan, of Changanai intervened and filed objections on 19-8-38. She too claimed to be sole heir as daughter of Kanthar's father's brother.

²⁰ On 20-9-38 Nannian Sinnavan, Nannian Vairavan and eight others of Changanai and Sandilipay filed objections through Mr. Sivagnanam, Proctor, claiming to be Kanthar's only heirs along with a minor called Sinnapillai. They alleged that they were Kanthar's heirs on the father's side — two of them being Kanthar's father's brothers, three of them children of Vally, an alleged sister of Kanthar's father, and two of them children of an alleged paternal uncle of the deceased.

The inquiry commenced on 20-2-1939. On 6-3-40 the matter was settled and it was, by agreement, held that Kanapathy Kanthar died intestate. The inquiry into the claims of the respondents to the estate³⁰ was fixed for 28-5-40. Then on 21-1-41 the matter was further adjusted as follows :—

“ They all agree that letters of administration be issued to Eliavy Arumugam, Mr. Somasegaram's client, leaving the question of heirship open giving the status of an heir ” (*vide* torn journal entry and the certified copy 4R32.)

Accordingly letters were issued to Eliavy Arumugam on 21-4-42 (*vide* 4R32). He died on 30-4-43. On 30-6-44 Chellammah (his daughter) was appointed administratrix de bonis non.

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On 5-7-46 Mr. Sivagnanam moved that this “ case be restored to trial roll as the question of heirship in the above case has not been decided yet.”

Proceedings were, however, terminated on 24-10-46. This was done after Mr. Sivagnanam obtained a date on 3-10-46 to file objections on 24-10-46. On that date objections were not filed.

On 22-1-47 Mr. V. S. Nadarajah, Proctor, moved that the order of 24-10-46 be vacated and that the case be fixed for inquiry regarding heirship. On 29-1-47 the Court made order : “ Let papers be filed by them for judicial settlement as contemplated by section 276 of the Code.”¹⁰

On 20-3-47 Mr. Nadarajah filed affidavit and moved “ for citation on the respondents for judicial settlement of the estate.” Inquiry was fixed for 20-1-48 and on that date postponed for 23-6-48, on which date this case was taken off the inquiry roll and steps were ordered to be taken in respect of one of the respondents who had died. On 17-10-49 inquiry *re* heirship was fixed for 23-12-49. On that date the record was with the Commissioner of Income Tax and so this case was ordered to be called on 16-1-50. It was called accordingly and the Court made order : “ Re heirship let steps be taken by those concerned.”

Then on 13-2-50 Mr. V. S. Nadarajah filed certain papers “ for the²⁰ purpose of inquiring into the judicial settlement and to carry on the case to its termination.”

Notices on the 17th and 18th respondents (in the amended caption) were not issued. On 19-2-51 the Court made order : “ Estate closed. Final account accepted. Application for judicial Settlement is rejected. Enter Register.”

On 6-3-52 Mr. Sivagnanam informed the Court that the question of heirship which was left open had not been decided and that the Administratrix de bonis non was drawing monies from this estate. The Administratrix de bonis non was noticed, she filed objections on 30-6-52,³⁰ the matter was inquired into on 18-2-53 and the Court made order directing her to file proper papers for judicial settlement. She appealed. The appeal was rejected by the Supreme Court. Hence this inquiry.

Before examining the evidence regarding heirship it is necessary to set out certain other facts. It is pointed out by the respondents that two of the sureties who gave security in this case (*vide* bond No. 2121 of 23-3-42) for the due administration of the estate by Eliavy Arumugam were Mr. Somasegaram’s parents — Canthavanam Chelliah and wife Ponnammah — and that later Canthavanam Chelliah furnished security for the due administration of this estate by the administratrix de bonis⁴⁰ non. They also draw attention to the fact that the security was withdrawn before a decree for judicial settlement of the accounts in this case was entered.

On the other hand, the administratrix de bonis non has led evidence to show that while the appeal in this case was pending Mr. Sivagnanam's father-in-law C. S. Ponniah obtained the transfer A15 of 7-10-54 of very valuable lands belonging to the estate for an alleged consideration of a paltry sum from Mr. Sivagnanam's clients. This deed was attested by Mr. Sivagnanam himself. A15 is a conditional transfer, the retransfer to be obtained within a period of three months with a stipulation that the transferors will not endeavour to get a retransfer "under any reasons whatsoever" if they default in paying Rs. 6,000/- with 15% interest on or before 30-12-54. There is also evidence that Mr. Sivagnanam lives with his father-in-law from the date of his marriage in 1937.

The evidence of some of the witnesses called by Mr. Sivagnanam's clients has to be examined in the light of this transaction.

The main dispute is regarding heirship. The contestants fall into four groups.

1. Chellammah (administratrix de bonis non) and her sister, the 16th respondent, claim to be the sole heirs on the footing that the deceased Kanapathy Kanthar was an illegitimate son of one Kathirinchy (Katherine), whose only heir was her brother Eliavy who had a son Arumugam, who was the original intervenient in this case. These two are Eliavy Arumugam's children.

2. The 14th and 27th to 30th respondents claim to be Kanapathy Kanthar's heirs through his mother, who, they say, is one Kannattai. Their case is that Sinnavy and Eliavy were Kannattai's brothers. They claim through Sinnavy.

3. The 4th to 11th respondents, 20th to 26th respondents and 31st to 34th respondents claim to be heirs of Kanapathy Kanthar through his father Kanapathy.

4. The 17th and 18th respondents claim through Kanthar's father Kanapathy's alleged brother Ramu.

In order to succeed, group (1) must prove that Kanthar was an illegitimate child of Kathirinchy.

Groups (3) and (4) must prove that Kanthar was a legitimate child of Kanapathy.

Group (2) claimed a half share of the estate on the footing that Kanthar was an illegitimate child (*vide* paragraph 5 of the petition filed by them on 19-3-47). Now they claim a one-fourth share of the estate on the footing that Kanapathy and Kannattai were married (*vide* their objections filed on 30-10-55 with a pedigree).

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According to Group (1) Kanthar hailed from Alaveddy — neither from Koddady nor from Changanai — and settled down at Karayoor, practising his profession there. According to the other groups he hailed from Changanai.

The pedigree relied on by this group is as follows :— One Kanthar and wife Kathirasy had four children, *viz.*, Kathirinchi (Katherine), Marian, Eliavy and Sinnavy. Marian died issueless. Kathirinchi married Kaithar, but, (after she became a widow) she had Kanthar (deceased) by one Kanapathy. Sinnavy left no heirs. Eliavy's son was Arumugam. The administratrix de bonis non and the 16th respondent¹⁰ are his children.

The administratrix de bonis non is known by two names. — Mariammah and Sellammah (*vide* deed A1 of 12-11-1923 by which she was dowried). It is significant that it was Kanapathy Kanthar (deceased) who dowried her. In A1 she is described as Mariammah Sellammah, daughter of Kanapathy Kanthar's cousin Eliathamby Arumugam (same as Eliavy) Arumugam. A1 was accepted by Sellammah and her husband Philip, whom she had married two days earlier, *i.e.*, on 10-11-1923 (*vide* certificate of marriage A2). In A2 Eliavy Arumugam is given as her father. The certificate of marriage of Sellammah's parents (A5), the²⁰ certificate of death of her mother (A6) and the certificate of death of Valli (Sellammah's paternal grand-mother) (A7), in cage 8 of which the informant is given as Valli's son Eliavy Arumugam, go to show that they were people of Alaveddy. These documents go to support Sellammah's evidence that Kanapathy Kanthar hailed from Alaveddy, but settled down at Karayoor and that as her mother died when she was five or six years old she lived with Kanapathy Kanthar, who brought her up.

The mortgage bond A3 of 26-1-1906 is in favour of Kathirinchy, widow of Kaithar, and Kanapathy Kanthar. The discharge of this bond³⁰ is endorsed on it and signed by Kanapathy Kanthar.

It was submitted on behalf of Mr. Sivagnanam's clients that Kathirinchy, widow of Kaithar, referred to in A3 may have been Kanapathy Kanthar's mistress. But her certificate of death A4 would show that she was 85 years old at the time of her death in May, 1915. She was too old to be Kanthar's mistress. In A4 the informant's name is given as Kaithar Kanthar and he is described as her son. In cage 9 of A4 the informant's signature has the Tamil initial "க" *i.e.*, the first letter of both names "Kaithar" and "Kanapathy." The informant was the son of the deceased, who was widow of Kaithar. The Registrar of Deaths⁴⁰ appears to have therefore thought that Kathirinchy's husband Kaithar was her son Kanthar's father, though Kanthar was actually Kanapathy's son.

Sellammah says that Kathirainchy's brother Sinnavy became a Christian taking the name Gnanapiragasan. The certificate of baptism A8 shows that he was 25 years old at the date of baptism (20-1-1860) and that his parents were Kanthan and Kathirasi (*i.e.*, the same persons as Eliavy's parents. He had a daughter Elizabeth (*vide* certificate of baptism A9), who married Pavilue Avuran in 1881 (*vide* certificate of marriage A10 and A12). Sellammah's evidence is that Elizabeth died issueless.

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Kanthar Sinnavy (*alias* Gnanapiragasam) died in his nephew Kana-
10 pathy Kanthar's house at Karayoor (*vide* certificate of death A16). In
cage 8 of A16 the Registrar of Deaths has entered "son-in-law" as the
relationship of the informant Kanapthy Kanthar. The Tamil word for
both nephew (sister's son) and son-in-law is "மருமகன்".

Vairavy Chelliah, the 28th respondent, who claims to be an heir of
Sinnavy, admits that Sinnavy died in Kanapathy Kanthar's house. If
Sinnavy had descendants at Koddady it is improbable that he would
have died at Karayoor in Kanapathy Kanthar's house. He probably
lived and died at Kanapathy Kanthar's house as he had no children or
grand-children.

20 It should also be noted that in the dowry deed A1 it was provided
that in the event of Sellammah dying issueless the property dowried was
to devolve on her father Eliavy Arumugam. If Kanapathy Kanthar
had other heirs, besides his cousin Eliavy Arumugam, it is likely that
provision would have been made in A1 that the property should revert
to him (Kanthar) or his heirs.

Witness T. M. Anthony is a retired teacher and at one time member
of the Urban Council. He is from Karayoor. He was a friend of Kana-
pathy Kanthar. This witness also knew Kanthar's mother Kathirinchy
and attended her funeral. He was even aware of Kathirinchy living
30 with Kanapathy. It is alleged that he was indebted to this estate and,
therefore, he is taking sides. He had settled the debt. As he was a
friend of Kanthar he ought to know about the latter's family matters.
He created a favourable impression and I would accept his evidence.

Group (2), *i.e.*, 14th and 27th to 30th respondents, claim through
Sinnavy, who is alleged to have married Sinnachchi. The only witness
called by these respondents is Vairavy Chelliah (28th respondent). The
deed 14R2 would go to show that Kanthan Sinnavy and Sinnachchi were
husband and wife. But, I am not satisfied that the Kanthan Sinnavy
mentioned in 14R2 is the brother of Kanthar's mother, whether her
40 name was Kannattai or Kathirinchy. Kanthan, Sinnavy, Sinnavan,
Sinnachchi, Kanapathy are names quite commonly found in the Nalawa
community, as admitted by the 28th respondent. As I have already
remarked if Sinnavy had descendants it is not likely that he would have

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died at Kanthar's house at Karayoor (*vide* A16). This witness says that he had been to Kanthar's house even before his mother died. But, he says that he did not know his mother. He says that Kanthar was a Hindu and not a Roman Catholic. The evidence of Dominic, the Sacristan, is that Kanthar was buried in the cemetery of St. Mary's Cathedral.

In A1 one of the attesting witnesses is Sinnavy Kandiah. The 14th and 27th to 30th respondents tried to make out that this person was the abovesaid Sinnavy's son. Sinnavy in question was a person of Koddady in Vannarponnai West. But the witness to A1 is Sinnavy¹⁰ Kandiah of Vannarponnai East.

The 28th respondent did not impress me favourably as a witness. For these reasons, I am unable to hold that the 14th and 27th to 30th respondents are heirs of the deceased Kanapathy Kanthar.

The 18th respondent has given evidence and called one Sinnavy Arumugam in support of her case. This witness has been jailed for robbery and convicted of knifing his wife. He is an interested person, as Sinny *alias* Sinnan through whom the 18th respondent claims has left a Last Will bequeathing all her alleged interests in this estate to this witness, the 18th respondent and another. Sinny had no property of²⁰ her own. At one stage this witness said that Kanapathy had no brother or sister. Then after some time he said that Sinny's father was Ramu and he was Kanapathy's brother. His evidence regarding the pedigree is admittedly hearsay. His evidence that Sinny and Kanthar met accidentally and the latter then allowed Sinny to reside on his land near the Wellington Theatre is artificial. I have no hesitation in holding that his entire evidence is false. Pakiam too created a poor impression. Her evidence too is hearsay. Therefore, I would dismiss the claim of the 17th and 18th respondents also.

The 31st to 34th respondents have not called any evidence. They³⁰ rely on the evidence led on behalf of the 4th to 11th and 20th to 26th respondents.

Kanapathy Kanthar died at the Manipay Hospital where Dr. S. G. C. Mills was employed at that time. Witness Balasingham too is employed there. It is part of Balasingham's duties to obtain particulars regarding patients who die at this hospital to be passed on to the Registrar of Deaths. He gave the particulars regarding Kanapathy Kanthar's death to the Registrar (*vide* the death certificate 4R17). He is unable to say who gave him the particulars. In 4R17 the name of the mother of the deceased is given as Kannattai. What is entered in 4R17⁴⁰ is what was told by someone to Balasingham. He may have made a mistake in entering the name of the mother. Or the person who gave him the information may have made a mistake. It seems to me that this mistake in 4R17 has led to the allegation that Kanapathy Kanthar's mother was Kannattai and not Kathirinchy.

I have no doubt that Dr. Mills is speaking the truth when he says that Aiyathurai (Kanapathy Kanthar's illegitimate son, who produced an alleged Last Will) was trying to persuade Kanapathy Kanthar to execute a Last Will.

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The letter 4R16 of 20-8-1938 was written by Dr. Mills three months after Kanthar's death to Nadarajah, Sub-Postmaster at Changanai. It is unfortunate that Nadarajah's letter to Dr. Mills, to which 4R16 is a reply, is not available. Nadarajah's letter was taken to Dr. Mills by some persons. I think that Dr. Mills is mistaken when he says that
10 Kanthar gave him the names of Vairavan and Sinnavan stating that they were his heirs. Dr. Mills was asked in cross-examination "You know that he had relations at Changanai?" and his reply was, "How can I know?" What he has written in 4R16, viz., ".....there are other heirs at Changanai namely Vairavan and Sinnavan", is contradicted by this answer of his.

When he wrote 4R16 it would have been difficult for Dr. Mills to recollect everything that took place about three months earlier. Nadarajah had written to him that some Nalawa people at Changanai were troubling him. He wrote to Dr. Mills at the instance of Vairavan and
20 Sinnavan. He must have sent the letter through Vairavan and Sinnavan. That was probably what led to Dr. Mills giving their names in 4R16. These are common names among people of the Nalawa community.

I should not be understood as saying that Dr. Mills has given false evidence. It is my opinion that his evidence and the part of the contents of 4R16 are the result of a mistake.

Witnesses Mathavar, Vallipuram, Navaratnam (all of Changanai where Mr. Sivagnanam lives) and Thambirajah (of Sandilipay, which village adjoins Changanai) are Vellalas. In view of the personal interest of Mr. Sivagnanam and his father-in-law in this estate one can understand
30 these witnesses coming forward to give evidence.

At one stage Mathavar said that Theivy was Kanthar's mother. Then, only when he had been cross-examined by two Counsel and was being cross-examined by the third, he said that Kanthar's mother was Kanny. Even after that he said, "Kanthar's mother Theivy died about 50 or 60 years ago." His evidence regarding Kanapathy marrying is what he heard from others. According to him Kanapathy and his wife lived at Koddady and not at Changanai.

Vallipuram tried to make out that Kanapathy and his wife lived at Changanai. He says that he had seen Kanthar last as a boy of five.
40 Therefore, it would not be possible for him to say if the Kanapathy Kanthar who died in 1938 is the same person as the boy he had seen.

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—continued.

Thambirajah said that he knew Kanthar only as a boy and that he had not met him thereafter. He added that he saw Kanthar only on one occasion and that Kanny told him that he (Kanthar) was her son. This sounds artificial.

Navaratnam was convicted of forging his wife's signature. He said, "I do not know whether Kanthar was an illegitimate son."

Murugan Velan said that Kanthar was a Hindu till his death. He even tried to make out that Kanthar lived at Changanai till he (Kanthar) was 25 years old. This is contradicted by the other evidence.

Vairavan Kanapathy is the 22nd respondent. He said, "it is only 10 after we were told that we had an interest in this case that we started to spend on this litigation." He himself does not know whether Kanthar was an illegitimate child.

The evidence of these witnesses is, to a large extent, hearsay.

At the argument it was submitted that there is always a presumption in favour of legitimacy. Such a presumption would arise only if there is proof that the parents were married. The evidence led by the respondents fails to prove that Kanapathy was married to Kanthar's mother, whatever her name.

Velan Marimuttan, at one stage, said that Kanthar's father was 20 Velan. He tried to make out that it was settled in Mr. Sivagnanam's presence that Eliavy Arumugam should take half of this estate and the other half was to go to Mr. Sivagnanam's clients. Then why was it not so recorded in this case on 21-1-41? I do not believe this evidence.

I, therefore, hold that Mr. Sivagnanam's clients too do not inherit any share of this estate.

Mr. Nadarajah's clients (14th and 27th to 30th respondents) failed to issue notice on the 17th and 18th respondents regarding their application for judicial settlement of accounts and for that reason the application for judicial settlement was rejected on 19-2-51. It was 30 not dismissed on its merits. Therefore, that order would not operate as a bar to their claim now.

Sellammah came into the case after her father's death. So she is not liable to account for the moneys collected by her father Eliavy Arumugam.

Sellammah and the 16th respondent sold property belonging to this estate after the proceedings were terminated in 1951. They are now being declared the sole heirs. Therefore, no useful purpose will be served by pursuing the matter of such sales. Sellammah had admitted that she does not know personally about the various items in the accounts. 40 So, proper accounts should be filed.

For these reasons, I would answer the issues as follows :—

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. Yes.
6. No.
7. No.
8. 10, 11 and 12. Do not arise in view of the answer to issue No. 7.
- 10 13. to 21. Do not arise in view of the answers to issues 1 to 5 and 30 and 31.
22. No.
23. Does not arise.
24. No.
25. Does not arise.
26. No.
27. Sinnan *alias* Sinny left behind a Last Will; but she had no estate to bequeath.
28. No.
- 20 29. Does not arise.
30. Yes.
31. No.

In the result, I would hold that the administratrix *de bonis non* Sellammah and the 16th respondent are the only heirs of the Late Kanapathy Kanther. Contesting respondents to pay the cost of this inquiry.

I would order Sellammah to file proper accounts.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
28-3-56.

80 Judgment delivered in open Court in the presence of respondents and Mr. Somasegaram and Mr. V. S. Nadarajah.

Accounts on 30-4-56.

(Sgd.) P. SRI SKANDARAJAH,
District Judge.
28-3-56.

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No. 65
Petition
of Appeal
of the
4th to 11th
and 20th to
26th and
31st to 34th
Respondents
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No. 65

**Petition of Appeal of the 4th to 11th and 20th to 26th and
31st to 34th Respondents to the Supreme Court**

IN THE DISTRICT COURT OF JAFFNA

In the matter of the Estate of the Late Kanapathy Kanthar of Jaffna
Town.....*Deceased.*

Testamentary
Jurisdiction 605 Old.

S. C. 111/56 Inty B

ILAIYAVI ARUMUGAM of Karayoor, Jaffna, (*Original Administrator-Dead*).

CHELLAMMAH WIFE OF PHILLIP of Jaffna Administratrix *de bonis non.* 10

vs.

1. CHINNAN WIDOW OF MURUGAN, of Chankanai (*Dead*).
2. NANNIAN CHINNAVAN, of Chankanai (*Dead*).
3. NANNIAN VYRAVAN, of Chandalipay
4. VELAN MARIMUTTU, of Chandalipay
5. VELAN VAITHAN, of Chandalipay
6. MURUGAR PONNAR AND WIFE
7. LEDCHUMI, of Chankanai
8. PATHAN KANAPATHY AND WIFE
9. PONNY, of Chandalipay 20
10. VISUVAN KATHIRAVELAN AND
11. WIFE THANGAMUTTU, of Chandalipay
12. POOTHAR VAIRAVY AND WIFE (*Dead*).
13. MUTHI, of Koddadi
14. MARUCHELIN ANTHONIPILLAI, of Kayts
15. SINNAKUDDY THAMBIAH *alias* SAVERIMUTTU, of Kayts (*Dead*).
16. RASAMANY WIDOW OF MUTHU, of Karayoor
Original Respondents.
17. ARUMUGAM VEERASINGHAM AND
18. WIFE PAKIAM, both of Uduvil.....*Substituted-Respondents* 20
in place of the Deceased 1st Respondent.
19. KANAKAI *alias* REBECCA of Moolai Road, Chundikuly.....
Substituted-Respondent in place of the Deceased 15th Respondent.
20. SINNAVAN KANAPATHY (*Dead*).
21. SINNAVAN ARUMUGATHAN

- | | | |
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| | 22. VAIRAVAN KANAPATHY | No. 65
Petition
of Appeal
of the
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and 20th to
26th and
31st to 34th
Respondents
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—continued. |
| | 23. KANAPATHY SELLAN AND WIFE | |
| | 24. SEETHAI | |
| | 25. SINNAPODIAN VALLY AND WIFE | |
| | 26. KUDDY, all of Changanai..... <i>Substituted-Respondents in place of Deceased 2nd and 3rd Respondents.</i> | |
| | 27. VAIRAVY NALLATHAMBY AND | |
| | 28. VAIRAVY CHELLIAH, both of Koddady | |
| | 29. ELUPOLAI SINNAPODY AND | |
| 10 | 30. WIFE VALLIAMAI both of Suthamalai... <i>Substituted Respondents in place of the deceased 13th Respondent.</i> | |
| | 31. KANAPATHY MURUGAN AND | |
| | 32. WIFE RASU | |
| | 33. KANAPATHY SELLAN AND | |
| | 34. WIFE THANGAMMA, of Changanai.... <i>Substituted Respondent in place of 20th Respondent.</i> | |

In the Supreme Court of the Island of Ceylon.

- | | |
|----|---|
| | 1. VELAN VARIMUTTU of Chandilipay |
| | 2. VELAN VAITHIAN of Chandilipay |
| 20 | 3. MURUGA PONNAR AND WIFE |
| | 4. LEDCHUMY of Chankanai |
| | 5. PATHAN KANAPATHY AND WIFE |
| | 6. PONNY of Sandilipay |
| | 7. VISUVAN KATHIRAVELAN AND WIFE |
| | 8. THANGAMUTTU of Sandilipay |
| | 9. SINNAVAN ARUMUGATHAN, of Chankanai |
| | 10. VAIRAVAN KANAPATHY, of Sandilipay, <i>Substituted in place of 3rd original Respondent.</i> |
| 30 | 11. KANAPATHY SELLAM AND WIFE |
| | 12. SEETHAI |
| | 13. SINNAPODIAN VALLY AND WIFE |
| | 14. KUDDY, all of Chankanai 9, 11 to 14th <i>Substituted-Respondents in place of deceased 3rd Respondent.</i> |
| | 15. KANAPATHY MURUGAN AND |
| | 16. WIFE RASU |
| | 17. KANAPATHY SELLAN AND |
| | 18. WIFE THANGAMA all of Chankanai, <i>15th to 18th Substituted in place of 20th Respondent.....Respondents-Appellants.</i> |

Testamentary Case No. 605 Old.

40

vs.

- | | |
|--|--|
| | 1. CHELLAMMAH WIFE OF PHILLIP of Karainagar, <i>Administratrix de bonis non.....Respondent</i> |
| | 2. MARUCHILIN ANTHONIPILLAI of Kayts |

No. 65
Petition of
Appeal of the
4th to 11th
and 20th to
26th and
31st to 34th
Respondents
12-4-56
—continued.

3. RASAMANY WIDOW OF MUTTU of Karaiyoor
4. ARUMUGAM VEERASINGHAM AND WIFE
5. PAKIAM, both of Uduvil
6. KANAKAIMUTTU *alias* REBECCA w/o ANTHONIPILLAI of Moolai Road, Chundikuli
7. VAIRAVY NALLATHAMBY of Chundikuli
8. VAIRAVY CHELLIAH of Koddady
9. ELUPOLLAI SINNAPODY AND WIFE
10. VALLIAMAI, both of Suthamalai.....*Respondents-Respondents.*

HIS LORDSHIP THE CHIEF JUSTICE AND OTHER HONOURABLE JUDGES ¹⁰
OF THE SUPREME COURT.

The 12th day of April, 1956.

The petition of appeal of the 4th to 11th respondents 20 to 26 respondents and 31 to 34 respondents abovenamed appearing by Mr. S. Sivagnanam their Proctor states as follows :—

1. Kanapathy Kanthar whose estate is administered in this case died in Green Hospital, at Manipay on 19-5-1938.

2. Thereafter one Soosai Sebasty Aiyadurai an illegitimate son of the said Kanthar produced on 1-6-38 a Last Will alleged to have been left behind by the said Kanthar and asked for Probate. 20

3. Elaiyavy Arumugam, Chinnan *alias* Chinny widow of Murugan and Nannian Sinnavan and Nannian Vyravan and others Poothar Vyravy and wife Muththy intervened and denied that Kanthar ever left behind a Last Will, Eliavy Arumugam and Chinnan *alias* Chinny claimed to be sole heirs. Nannian Sinnavan and Nannian Vyravan and others claimed to be heirs on the paternal side. Muthy wife of Poothan Vairavy the original 13th respondent came in as heirs on the maternal side.

4. Inquiry was fixed on 20-2-1939. On 6-3-40 the matter was settled and it was agreed that Kanapathy Kanthar died intestate. On 21-1-41 the matter was further adjusted as follows :— 30

“ They all agreed that letters of administration be issued to Elaiyavy Arumugam, Mr. Somasegaram’s client, leaving the question of heirship open giving the status of an heir.” The question of heirship was left open.

5. Accordingly letters were issued to Eliavy Arumugam on 21-4-42. He died on 30-4-43. On 30-6-44 Chellammah his daughter was appointed administratrix *de bonis non*.

6. Mr. Sivagnanam on 6-3-52 on behalf of his clients informed the Court that the question of heirship which was left open had not been decided and the administratrix *de bonis non* was drawing moneys from the Estate claiming to be the sole heir. The administratrix *de bonis non* was noticed and she filed objections on 30-6-52. The matter was inquired into on 18-2-53 and the Court made order directing her to file proper papers for judicial settlement. She appealed. The appeal was rejected by the Supreme Court.

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Petition of
Appeal of the
4th to 11th
and 20th to
26th and
31st to 34th
Respondents
12-4-56
—continued.

7. The administratrix *de bonis non* respondent filed papers for judicial settlement in pursuance of the order of Court dated 18th day of February, 1953, and after objections were filed the matter was inquired into on the issues except the 9th issue :—

- (1.) Did Kanthar and wife Kathirasi have a daughter Kathirinchi and son Elaiyavy ?
- (2.) Was the deceased Kanthar the son of Kathirinchi ?
- (3.) Was Eliavy's son Arumugam ?
- (4.) Was Arumugam the sole heir of the deceased Kanthar ?
- (5.) Are the administratrix *de bonis non* and her sister, the 16th respondent the heirs of the said Arumugam ?
- 20 (6.) Are the 14th and 27th to 30th respondents barred by the order dated 19-2-51 from proving heirship to the estate ?
- (7.) Was Kanthar the legitimate son of Velan Kanapathy ?
- (8.) Was Theivy the mother of Kanapathy the father of Kanthar ?
- (9.) Were Velan and Nannian brothers ?
- (10.) Did Theivy after the death of Velan marry Nannian ?
- (11.) If so, are the respondents 4 to 11 and 20 to 26th heirs of Kanthar ?
- (12.) If so, what portion of the estate did they inherit ?
- (13.) Has the administratrix *de bonis non* taken the produce and income from the lands and buildings belonging to the estate ?
- 30 (14.) If so, what is the amount of such income ?
- (15.) Is the administratrix *de bonis non* liable to bring the income into Court and to pay the heirs such income ?

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(16.) Did Arumugam, the original administrator take the produce ?

(17.) What is the amount of such income ?

(18.) Is Sellammah as executrix of the estate of Eliavy Arumugam liable to bring that amount into Court ?

(19.) Did the administratrix *de bonis non* or Sellammah in her personal capacity and the 16th respondent sell the properties referred to in Schedule B to the statement of objections filed by the 4th to 11th and 20th to 26th respondents on 17-10-55 ?

(20.) Has the administratrix failed to disclose the properties referred to in Schedule A to the petition ? 10

(21.) Did the administratrix *de bonis non* and her sister mortgage any of the properties belonging to the estate without the permission of Court ?

(22.) Did the deceased leave behind drugs and medicine at the time of his death ?

(23.) If so, what is the value ?

(24.) Have the interests of Kanthar Sinnavy devolved on the 14th, 27th and 30th respondents ?

(25.) If so, what share ?

(26.) Did Sinnan widow of Murugan inherit the estate of the deceased 20 Kanthar on the pedigree filed of record dated 29-8-40 ?

(27.) Did Sinnan die leaving behind a Last Will bequeathing her estate to the 17th and 18th respondents ?

(28.) Have the interests of the 2nd respondent devolved on the 31st to 34th respondents ?

(29.) If so, what is the extent of this interest ?

(30.) Did Sellammah and her sister sell any properties after the estate was closed in 1951 in their personal capacity as heirs of their father Arumugam ?

(31.) If so, are they accountable in these proceedings for such sale ? 80

8. After inquiry the learned District Judge by his order dated 28th day of March, 1956, declared the administratrix *de bonis non* and the 16th respondent who is the 3rd Respondent to this appeal the sole heirs of the deceased and ordered the contesting respondents including the appellant to pay the administratrix *de bonis non* the cost of the inquiry.

No. 65
Petition of
Appeal of the
4th to 11th
and 20th to
26th and
31st to 34th
Respondents
12-4-56
—continued.

9. Being dissatisfied with the said order the appellants beg to appeal therefrom to Your Lordships Court on the following among other grounds that may be urged by Counsel at the hearing of this appeal :—

(a) The said order is contrary to law and the weight of evidence led
10 in the case.

(b) The appellants respectfully submit that on the evidence led in the case the learned Judge should have held that the deceased was Kanapathy Kanthar, that he was a Hindu by birth and that he was the legitimate son of Kanapathy and Kannaththai in view of the documents produced, and oral evidence adduced in the Case. The attempt to show the deceased was a Christian, that the deceased was really Kaithar Kanthar, that his mother was Kathiringi, that he was known as Gabriel is not justified.

(c) The appellants respectfully submit that the administratrix
20 *de bonis non* respondent was not entitled to file a pedigree along with the documents after the conclusion of the inquiry and without having in any way marked or referred to earlier.

(d) The learned Judge has erred when he held that the appellants are not heirs of the deceased Kanapathy Kanthar on his paternal side. The appellants have proved their heirship by good evidence and beyond doubt corroborated as it was by the evidence of Doctor Mills and Balasingham and others. Dr. Mills was a Medical Officer of very high standing and repute employed at the Manipay hospital for a long period and a completely independent and disinterested witness and who attended
30 on the deceased during his last days. The document 4R16 containing as it does certain important questions of facts which are fundamental to this case should have been accepted by the learned Judge.

(e) The document 4R16 supports the pedigree of the appellants. It also establishes that Iliavi Arumugam the original administrator begged the deceased Kanthar while he was dying to execute a Last Will in his favour later came into Court as sole heir.

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(f) Document 4R17 the death certificate of the deceased Kanapathy Kanthar gives his mother's name as "Kannathai." It is respectfully submitted that the particulars contained in 4R17 are true. 4R17 is a public document and the information was collected by Mr. Balasingham a Medical Assistant still employed at the Manipay Hospital, who is a responsible officer of the said hospital and whose duty is to collect such information in the course of his employment. According to Mr. Balasingham to the best of his recollection the particulars were given by a cousin of his or a near relative at the time of the death. It is humbly submitted that Ilayavi Arumugam being the cousin of Kanthar and also 10 being the person who admitted Kanthar into the Manipay Hospital and removed the corpse after he died was the person who gave the information to Mr. Balasingham as "Kannathai." But the name "Kannathai" has been given up later for the purpose of becoming sole heir.

(g) The learned Judge erred when he held that Kanapathy Kanthar was the illegitimate son of Kanapathy and Kathiringi on the evidence led on behalf of the administratrix *de bonis non*. It is respectfully submitted that the presumption of legitimacy should have been applied to the facts of the case. In this case the presumption of legitimacy has been corroborated by overwhelming evidence. 20

(h) It is respectfully submitted that the learned Judge appears to have been influenced by the fact that a certain C. S. Ponniah obtained a transfer in his favour from the appellants and the learned Judge thereby misdirected himself on the facts. It is further submitted that the heirs were entitled to deal with their interests and that such transfer had no relevancy to the issues at the inquiry.

(i) The conduct of the administratrix *de bonis non* and that of her father Ilayavi Arumugam, and her sister Rasamany, who have no other properties other than the possibility of an interest in the estate of the deceased have been actuated with the sole purpose of taking the whole 30 estate for themselves regardless of the rights of others.

(j) The case for the appellants is further strengthened by the case of Vairavy Selliah the 8th respondent and others who concede the appellants were the heirs of Kanapathy Kanthar on the paternal side.

(k) It is respectfully submitted that the learned Judge has failed to take into consideration the correction which the appellant's witness Murugan Velan made that it was Kanapathy and not his son Kanthar who lived at Chankanai for about 25 years. The learned Judge should have acted on the evidence of Murugan Velan who was the person most competent to speak about the ancestry of Kanthar since Kanthar was the son 40 of Kanapathy who was the son of this witnesses father's sister.

(l) The learned Judge does not believe the evidence of Velan Marimuttan that at one stage there was a settlement as to the division of the estate and the learned Judge gives as his reason the fact that the settlement was not recorded on 21-1-41. It is respectfully submitted that the learned Judge has failed to note that Marimuttan's evidence as to the settlement was that half the estate should devolve on Arumugam and on Sinnavy's heirs and the other half should devolve on the appellants and subsequent to that settlement the original administrator Arumugam on 15-10-41 had moved court that security be reduced as he was entitled to one-fourth of the estate. This act of Arumugam was in recognition of that settlement.

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and
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(m) It is respectfully submitted that there is a presumption in favour of legitimacy and also a presumption that where a man and a woman are shown to have lived together then they are taken to have lived together in consequence of a valid marriage.

(n) It is respectfully submitted that the evidence of T. M. Anthony should have been rejected as he was an interested witness on behalf of the administratrix *de bonis non* since he was under obligation to her and her father the original administrator for they had not recovered any interest on a debt which Anthony owed to the deceased's estate. He was also the cousin of Soosaipillai the alleged lover of the administratrix *de bonis non*.

(o) It is respectfully submitted that the learned Judge has failed to take into account that alterations and unlawful additions have been made without the permission of the Court in the Inventory and in the Schedule to the affidavit dated 28th July, 1938, filed by E. Arumugam original administrator, subsequent to the filing of the said documents. (*Vide* items No. 49A of the Inventory and 19 (a) of the said affidavit).

(p) Contrary to what the administratrix *de bonis non* says that her Proctor told her Mr. Sivagananam's bill of costs had not been met save to the extent of Rupees two hundred (Rs. 200/-) deposited as security for the Interlocutory appeal filed earlier by the administratrix *de bonis non*.

(q) As was submitted by appellants Counsel in the course of address to Court the dowry deed A1 must have been executed by Kanthar in consideration of the execution of 4R9 by the father of the administratrix *de bonis non*.

(r) The learned Judge erred in refusing the application of Mr. S. Sivagnanam to call Mr. M. Somasunderam, Proctor, S.C. of Koddady as a witness. He was a very material witness whose evidence would have fully proved the identity of Kanthar's mother as "Kannahthai." Mr. M. Somasunderam's name was included in the list of witnesses filed before

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and
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the case for the administratrix *de bonis non* was closed. In view of the learned Judge's order as to this witness certain other witnesses whose evidence should have materially helped in proving the case of appellants and whose names were in that list were not called.

(s) The identity of Kathiringi referred to in A4 with the mother of the deceased Kanthar has not been proved nor has the identity of Kanthar in A4 with Kanthar the deceased been proved.

(t) The learned Judge misdirected himself as to the evidence on a number of matters.

(u) The learned Judge it is respectfully submitted should not have acted on the evidence of the administratrix *de bonis non* who made many obviously false statements in the course of her evidence. She even contradicted certain matters of record in this case.

(v) It is strange that the pedigree which purports to have been filed by Mr. C. C. Somasegaram on 19-8-40 does not appear to have been initialled by the then A.D.J., although the pedigrees filed on the same date by Mr. S. Sivagnanam and Mr. V. S. Nadarajah bear the initials of S. Rodrigo, Esqr. the then A.D.J. The learned Judge has in his order dated 28-3-56 failed to consider the significance of this and of "X" the copy made by Mr. S. Sivagnanam of the pedigree of Eliavy Arumugam which was in fact filed by Mr. C. C. Somasegaram on 19-8-40.

(w) The learned Judge should have answered issue No. 22 in the affirmative, particularly in view of the report of the Secretary dated 22-6-38 filed of record.

(x) The learned Judge on submissions made at the address stage states that "it was submitted on behalf of Mr. Sivagnanam's clients that "Kathiringi" was Kanapathy Kanthar's mistress." As a matter of fact it was Counsel for Mr. V. S. Nadarajah's clients who made the submissions.

(y) The learned Judge has failed to note that the administratrix *de bonis non* who is in a fiduciary position has given false evidence as regards the income of some of the properties as proved by the contradiction of her own evidence on such matters by her own witness.

Wherefore the appellants prays :—

1. The said order be set aside and they be declared the heirs of Kanapathy Kanthar on the paternal side.
2. The administratrix *de bonis non* be directed to account for the due administration of the estate from the time of the death of Kanthar till she files proper accounts.
3. For costs of the Court below and in this Court and such other and further relief as to Your Lordship's Court shall seem meet.

(Sgd.) S. SIVAGNAM,
Proctor for Appellants.

No. 66

Petition of Appeal of 14th, 27th, 28th, 29th and 30th
Respondents

IN THE DISTRICT COURT OF JAFFNA

In the matter of the Estate of the late Kanapathy Kanthar of Jaffna
Town.

No. 66.
Petition of
appeal of
14th, 27th
28th, 29th
and 30th
Respondents
19-4-56.

Deceased.

Testamentary
Jurisdiction
10 605 old.

S. C. 111/'56 Inty A.

ILAIYAVI ARUMUGAM, of Karayoor, Jaffna.

Original Administrator (Dead)

CHELLAMMAH WIFE OF PHILIP, of Karayoor, Jaffna.

Administratrix de bonis non.

vs.

1. CHINNAN WIDOW OF MURUGAN, of Chankanai, (*Dead*)
 2. NANNIAN CHINNAVAN OF MURUGAN, of Chankanai, (*Dead*)
 3. NANNIAN VYRAVAN, of Chandalipay, (*Dead*)
 4. VELAN MARIMUTTU, of Chandalipay
 - 20 5. VELAN VAITHAN, of Chandalipay
 6. MURUGAR PONNAR AND WIFE
 7. LEDCHUMI, of Chankanai
 8. PATHAN KANAPATHY AND WIFE
 9. PONNY, of Chandalipay
 10. VISUVAN KATHIRAVELAN AND
 11. WIFE THANGAMUTTU, of Chandalipay
 12. POOTHAR VAIRAVY AND WIFE, (*Dead*)
 13. MUTHI, of Koddadi
 14. MARUCHELIN ANTHONIPILLAI, of Kayts
 - 30 15. SINNAKODDY THAMBIAH *alias* SAVERIMUTTU, of Kayts, (*Dead*)
 16. RASAMANY, WIDOW OF MUTTU, of Karayoor.
- Original Respondents.*
17. ARUMUGAM VEERASINGHAM AND
 18. WIFE PACKIAM, both of Uduvil.
- Substituted Respondents in place of the
deceased 1st Respondent.*
19. KANAKAI *alias* REBECCA, of Moolai Road, Chundikuly.
Substituted Respondent in place of the deceased 15th Respondent.
 20. SINNAVAN KANAPATHY
 - 40 21. SINNAVAN ARUMUGATHAN
 22. VAIRAVAN KANAPATHY
 23. KANAPATHY SELLAN AND WIFE
 24. SEETHAI
 25. SINNAPODIAN VALLY AND WIFE

No. 66
Petition of
appeal of
14th, 27th,
28th, 29th,
and 30th
Respondents
19-4-56
—continued.

26. KUDDY, all of Chankanai,.....*Substituted Respondents in place of deceased 2nd and 3rd Respondents.*
27. VAIRAVY NALLATHAMBY AND
28. VAIRAVY CHELLIAH, both of Koddady
29. ELUPOLAI SINNAPODY AND
30. WIFE VALLIAMAI both of Suthamalai,.....*Substituted Respondent in place of the deceased 13th Respondent.*
31. KANAPATHY MURUGAN AND
32. WIFE RASU
33. KANAPATHY SELLAN AND 10
34. WIFE THANGAMMA, of Chankanai,.....*Substituted Respondent in place of 20th Respondent.*

In the Supreme Court of the Island of Ceylon.

1. MARUCHILIN ANTHONIPILLAI, of Kayts
2. VAIRAVY NALLATHAMBY, of Chundikuli
3. VAIRAVY CHELLIAH, of Koddady
4. ELUPOLLAI SINNAPODY AND WIFE
5. VALLIAMAI, both of Suthamalai.....*Respondents-Appellants.*

vs.

1. CHELLAMMAH WIFE OF PHILIP, of Karayoor.....*Administratrix de 20 bonis non.....Respondent.*
2. VELAN MARIMUTTU, of Sandilipay
3. VELAN VAITHIAN, of Sandilipay
4. MURUGAR PONNAR AND WIFE
5. LEDCHUMI, of Alaveddy
6. PATHAN KANAPATHY AND WIFE
7. PONNY, both of Sandilipay
8. VISUVAN KATHIRAVELAN AND WIFE
9. THANGAMUTTU, of Sandilipay
10. RASAMANY, WIDOW OF MUTHU, of Karayoor 30
11. ARUMUGAM VEERASINGHAM AND WIFE
12. PAKKIAM, both of "Madam", Uduvil
13. KANAKAIMUTTU *alias* REBECCA, of Moolai Road, Chundikuli
14. SINNAVAN ARUMUGATHAN, of Chankanai
15. VAIRAVAN KANAPATHY, of Sandilipay
16. KANAPATHY SELLAN AND WIFE
17. SEETHAI, of Chankanai
18. SINNAPODIAN VALLY AND WIFE
19. KUDDY, of Chankanai
20. KANAPATHY MURUGAN AND WIFE 40
21. RASU
22. KANAPATHY SELLAN AND
23. WIFE THANGAMMA, of Chankanai.....*Respondents-Respondents.*

To :

HIS LORDSHIP THE CHIEF JUSTICE AND OTHER HONOURABLE JUDGES OF
THE SUPREME COURT

No. 66
Petition of
appeal of
14th, 27th,
28th, 29th
and 30th
Respondents
19-4-56
—continued.

This 19th day of April, 1956.

The petition of appeal of the 14th, 27th, 28th, 29th and 30th respondents-appellants abovenamed appearing by Mr. V. S. Nadarajah their Proctor states as follows :—

1. Kanapathy Kanthar whose estate is administered in this case died in Green Hospital, at Manipalay, on 19-5-1938.
- 10 2. Thereafter one Soosai Sebasty Aiyadurai an illegitimate son of the said Kanthar produced on 1-6-38 a Last Will alleged to have been left behind by the said Kanthar and asked for Probate.
3. Eliavy Arumugam, Chinnan *alias* Chinny widow of Murugan and Nannian Sinnavan and Nannian Vyravan and others, Poothar Vyravy and wife Muththy intervened and denied that Kanthar ever left behind a Last Will. Eliavy Arumugam and Chinnan *alias* Chinny claimed to be sole heirs. Nannian Sinnavan and Nannian Vyravan and others claimed to be heirs on the paternal side. Muthy wife of Poothan Vairavy the Original 13th respondent came in as heirs on the maternal side.
- 20 4. Inquiry was fixed on 20-2-1939. On 6-3-40 the matter was settled and it was agreed that Kanapathy Kanthar died intestate. On 21-1-41 the matter was further adjusted as follows :—

“ They all agreed that letters of administration be issued to Eliavy Arumugam, Mr. Somasegaram’s client, leaving the question of heirship open giving the status of an heir.” The question of heirship was left open.
5. Accordingly letters were issued to Eliavy Arumugam on 21-4-42. He died on 30-4-43. On 30-6-44 Chellammah his daughter was appointed administratrix *de bonis non*.
- 30 6. Mr. Sivagnanam on 6-3-52 on behalf of his clients informed the Courts that the question of heirship which was left open had not been decided and the administratrix *de bonis non* was drawing moneys from the Estate claiming to be the sole heir. The administratrix *de bonis non* noticed and she filed objections on 30-6-52. The matter was inquired into on 18-2-53 and the Court made order directing her to file proper papers for judicial settlement. She appealed. The appeal was rejected by the Supreme Court.

No. 66
Petition of
appeal of
14th, 27th,
28th, 29th
and 30th
Respondents
19-4-56
—continued.

7. The administratrix *de bonis non* respondent filed papers for judicial settlement in pursuance of the order of Court dated 18th day of February, 1953, and later objections were filed, the matter was inquired into on the issues except the 9th issue :—

- (1) Did Kanthar and wife Kathirasi have a daughter Kathirinchi and son Elaiyavy ?
- (2) Was the deceased Kanthar the son of Kathirinchi ?
- (3) Was Eliavy's son Arumugam ?
- (4) Was Arumugam the sole heir of the deceased Kanthar ?
- (5) Are the administratrix *de bonis non* and her sister, the 16th¹⁰ respondent the heirs of the said Arumugam ?
- (6) Are the 14th and 27th to 30th respondents barred by the order dated 19-2-51 from proving heirship to the estate ?
- (7) Was Kanthar the legitimate son of Velan Kanapathy ?
- (8) Was Theivy the mother of Kanapathy, the father of Kanthar ?
- (9) Were Velan and Nannian brothers ?
- (10) Did Theivy after the death of Velan marry Nannian ?
- (11) If so, are the respondents 4th to 11th and 20th to 26th heirs of Kanthar ?
- (12) If so, what portion of the Estate did they inherit ?
- (13) Has the administratrix *de bonis non* taken the produce and income from the lands and buildings belonging to the estate ?
- (14) If so, what is the amount of such income ?
- (15) Is the administratrix *de bonis non* liable to bring the income into Court and to pay the heirs such income ?

No. 66
Petition of
appeal of
14th, 27th,
28th, 29th
and 30th
Respondents
19-4-56
—continued.

(31) If so, are they accountable in these proceedings for such sale ?

8. After inquiry the learned District Judge by his order dated 28th day of March, 1956, declared the administratrix *de bonis non* and the 16th respondent who is the 3rd respondent to this appeal the sole heirs of the deceased and ordered the contesting respondents including the appellants to pay the administratrix *de bonis non* the cost of the inquiry.

9. Being dissatisfied with the said order the appellants beg to appeal therefrom to Your Lordships Court on the following among other grounds that may be urged by Counsel at the hearing of this appeal.

(a) The said order is contrary to law and the weight of evidence led 10 in the case.

(b) The appellants respectfully submit that on the evidence led in the case the learned Judge should have held that the deceased was Kanapathy Kanthar, that he was a Hindu by birth and that he was the legitimate son of Kanapathy and Kannaththai in view of the documents produced, and oral evidence adduced in the case. The attempt to show the deceased was a Christian, that the deceased was really Kaithar Kanthar, that his mother was Kathringi, that he was known as Gabriel is not justified.

(c) The appellants respectfully submit that in view of the documen- 20 tary and other evidence led in the case the learned Judge should have held that the deceased Kanthar was the legitimate son of his parents, that legitimacy should have been presumed under the circumstances of the case and that if the deceased was illegitimate then the appellants should have been declared entitled to a half share of the estate.

(d) The appellants respectfully submit that the learned Judge should have on the evidence led in the case held that Kanthar Sinnavy did not become a Christian and was not known as Gnanapragasam, that Kanthar Sinnavy married Sinnachchy and had four children as alleged by the appellants and that the appellants are the descendants of Kanthar 30 Sinnavy and therefore, heirs of the deceased and that, the learned Judge should have in any event given due weight to the documents produced in the case particularly those in which Kanthar Sinnavy is described as such and not as Gnanapragasam and that if Sinnavy became a Christian and was baptized as Gnanapragasam he would have in the baptismal certificate and in all other documents been described as Gnanapragasam and not as Kanthar Sinnavy.

(e) The appellants respectfully submit that the evidence led on behalf of the appellants should have been accepted as that evidence is supported by documents and is highly probable and the evidence led on behalf of the administratrix *de bonis non* should have been rejected as it is contradicted by the documents produced in the case and is highly improbable and based on wrong inferences from facts.

No. 66
Petition of
appeal of
14th, 27th,
28th, 29th
and 30th
Respondents
19-4-56
—continued.

(f) The appellants respectfully submit that the facts proved in the case by documents and by oral evidence have not been given due consideration and that the evidence led on behalf of the administratrix *de bonis non* should have been rejected.

(g) The appellants respectfully submit that the administratrix *de bonis non* was not entitled to file a pedigree along with the documents after the conclusion of the inquiry. The learned Judge has failed to consider the significance of "X" a copy of the pedigree of Eliavy Arumugam made by Mr. S. Sivagnanam which was in fact filed by Mr. C. C. Somasegaram on 19-8-40. The learned Judge has failed to take into account that alteration and unlawful additions have been made from time to time without the permission of the Court in the Inventory and affidavit and declaration filed by Eliavy Arumugam and the administratrix *de bonis non*.

(h) The learned Judge should have answered issue No. 22 in the affirmative in view of the Secretary's report dated 22-6-38. The learned Judge misdirected himself as to the evidence on a number of matters.

(i) The learned Judge erred in refusing the application of the appellants to call witnesses whose evidence would have fully proved their case whose names were in the list of witnesses filed before the case for administratrix *de bonis non* was closed. It is respectfully submitted that the learned Judge allowed the administratrix *de bonis non* to call witnesses from the additional list and produce documents listed by her in the additional list.

Wherefore the appellants pray :—

1. that the said order be set aside.
2. that the appellants be declared entitled to a share of the said estate.
3. for costs of appeal and of the Court below and such other and further relief as to Your Lordship's Court shall seem meet.

(Sgd.) V. NADARAJAH,
Proctor for Appellants.

No. 67
 Objections
 of 17th and
 18th
 Respondents
 8-5-56.

No. 67

Objections of 17th and 18th Respondents

IN THE DISTRICT COURT OF JAFFNA

In the matter of the estate of the late Kanapathy Kanthar of Jaffna
 Town.

(Deceased).

Testamentary
 Jurisdiction
 No. 605 (Old series).

ELIAVY ARUMUGAM, of Karaiyoor, Jaffna. 10

Original Administrator, (Dead).

CHELLAMMAH WIFE OF PHILIP, of Karaiyoor, Jaffna.

Administratrix de bonis non.

vs.

1. CHINNAN *alias* CHINNY WIDOW OF MURUGAN, of Chankanai, *(Dead)*
2. NANNIAN SINNAVAN, of Chankanai *(Dead)*,
3. NANNIAN VAIRAVAN, of Chandilipay *(Dead)*,
4. VELAN MARIMUTTU, of Chandilipay
5. VELAN VAITHIAN, of Chandilipay
6. MURUGAR PONNAR AND WIFE 20
7. LEDCHUMY, of Chankanai
8. PATHTHAN KANAPATHY AND WIFE
9. PONNY, of Chandilipay
10. VISUVAN KATHIRAVELAN AND WIFE
11. THANKAMUTTU, of Chandilipay
12. POOTHAR VAIRAVY AND WIFE
13. MUTHTHI, of Koddady, *(Dead)*
14. MARUCHELIN ANTHONIPILLAI, of Kayts
15. SINNAKUDDY THAMBIAH *alias* SAVERIMUTTU, of Kayts, *(Dead)*
16. RASAMANY WIDOW OF MUTHTHU, of Karaiyoor. 30

Original Respondents.

17. Arumugam Veerasingham and wife,
18. Packiam both of Uduvil.

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—continued.

Substituted Respondents in place of the deceased

1st Respondent.

19. Kannakai alias Rebecca of Moolai Lane, Chundikuly.

Substituted Respondent in place of the deceased

15th Respondent.

(Dead).

- 10 20. Sinnavan Kanapathy.
21. Sinnavan Arumugaththan.
22. Vairavan Kanapathy.
23. Kanapathy Chellan and wife,
24. Seethai,
25. Sinnapodian Vally and wife,
26. Kuddy, all of Chankanai.

Substituted Respondents in place of the deceased

2nd and 3rd Respondents.

- 20 27. Vairavy Nallathamby.
28. Vairavy Chelliah, both of Koddady.
29. Ellupolai Sinnapody and wife,
30. Valliammai, both of Suthumalai.

Substituted Respondents in place of the deceased

13th Respondent.

31. Kanapathy Murugan and wife,
32. Rasu.
33. Kanapathy Sellan and wife,
34. Thangammah, all of Chankanai.

Substituted Respondents in place of the deceased

20th Respondent.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

- 30 1. Arumugam Veerasingham and
2. Wife Packiam, both of Uduvil.

17th and 18th Respondents-

Petitioners

Vs.

1. Chellammah, wife of Phillip of Karaiyoor.
2. Velan Marimuttan of Sandilippay.

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of 17th and
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3. Velan Vaithian of Sandilippay.
4. Murugar Ponnar and
5. Wife Ledchumy of Chankanai.
6. Paththan Kanapathy and wife,
7. Ponny of Sandilippay.
8. Visuvan Kathiravelan and wife,
9. Thangamuttu of Sandilippay.
10. Maruchelin Anthonipillai of Kayts.
11. Rasamany, widow of Muttu of Karaiyoor.
12. Kannakai alias Rebecca, wife of Anthonipillai, 10
Moolai Lane, Chundicully.
13. Sinnavan Arumugaththan of Chankanai.
14. Vairavan Kanapathy.
15. Kanapathy Sellan and wife,
16. Seethai.
17. Sinnapodian Vally and wife,
18. Kuddy, all of Chankanai.
19. Vairavy Nallathamby of Moolai Lane, Chundicully.
20. Vairavy Chelliah of Koddady.
21. Ellupolai Sinnapody and wife, 20
22. Valliammai, both of Suthumalai.
23. Kanapathy Murugan and wife,
24. Rasu.
25. Kanapathy Sellan and wife,
26. Thangammah, all of Chankanai.

Respondents.

To,

His Lordship The Chief Justice
and other Honourable Judges of the
Supreme Court.

30

This 8th day of May, 1956.

The Objections of the 17th and 18th Respondents-Petitioners abovenamed appearing by Messrs. Aboobucker and Sultan, their Proctors state as follows :—

1. Kanapathy Kanthar whose estate is administered in this case died in Green Hospital, on 19th May, 1938. He died issueless. He belonged to the Nalava community.
2. The Petitioners claimed the entire estate through Kanthar's father Kanapathy's alleged brother Ramu.
3. Eliavy Arumugam claimed the entire estate on the 40
maternal side, and Nannian Sinnavan and Nannian Vairavan and others claimed to be heirs on the paternal side.

Muththy wife of Poothar Vairavy the original 13th Respondent came in as heir on the maternal side.

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4. Inquiry was fixed on 20th February, 1939. On 6th March, 1940 the matter was settled and it was agreed that Kanapathy Kanthar died intestate. On 21st January, 1941 the matter was further adjusted as follows :—

10 “ They all agreed that Letters of Administration be issued to Eliavy Arumugam, Mr. Somasegaram’s client, leaving the question of heirship open giving the status of an heir.” Thus Eliavy Arumugam was given the status of ‘ an heir ’ merely for the purpose of administering the estate. Later the said Eliavy Arumugam mutually agreed to claim only one-fourth of the estate.

5. The matter was inquired into on the following issues except the 9th issue :—

- i. Did Kanthar and wife Kathirasi have a daughter Kathirinchi and son Elaiyavy ?.
- ii. Was the deceased Kanthar the son of Kathirinchi ?
- iii. Was Eliavy’s son Arumugam ?.
- 20 iv. Was Arumugam the sole heir of the deceased Kanthar ?
- v. Are the Administratrix de bonis non and her sister the 16th Respondent the heirs of the said Arumugam ?.
- vi. Are the 14th and 27th to 30th Respondents barred by the order dated 19th February, 1951 from proving heirship to the estate ?.
- vii. Was Kanthar the legitimate son of Velan Kanapathy ?.
- viii. Was Theivy the mother of Kanapathy, the father of Kanthar ?.
- ix. Were Velan and Nannian brothers ?.
- 30 x. Did Theivy after the death of Velan marry Nannian ?.
- xi. If so, are the Respondents 4 to 11 and 20 to 26 heirs of Kanthar ?.
- xii. If so, what portion of the estate did they inherit ?.

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- xiii. Has the Administratrix de bonis non taken the produce and income from the lands and buildings belonging to the estate ?.
- xiv. If so, what is the amount of such income ?.
- xv. Is the administratrix de bonis non liable to bring the income into Court and to pay the heirs such income ?
- xvi. Did Arumugam the original administrator take the produce ?.
- xvii. What is the amount of such income ?
- xviii. Is Chellamma as executrix of the estate of Eliavy Arumugam liable to bring that amount into Court ?.
- xix. Did the Administratrix de bonis non or Chellamma in her 10 personal capacity and the 16th Respondent sell the properties referred to in schedule B to the statement of objections filed by the 4th to 11th and 20th to 26th Respondents on 17-10-55 ?.
- xx. Has Administratrix failed to disclose the properties referred to in schedule A to the petition ?.
- xxi. Did the Administratrix de bonis non and her sister mortgage any of the properties belonging to the estate without the permission of Court ?.
- xxii. Did the deceased leave behind drugs and medicine at the 20 time of his death ?.
- xxiii. If so, what is their value ?.
- xxiv. Have the interests of Kanthar Sinnavy devolved on the 14th, 27th and 30th Respondents ?.
- xxv. If so, what share ?.
- xxvi. Did Sinnan, widow of Murugan inherit the estate of the deceased Kanthar on the Pedigree filed of record dated 29-8-40 ?.
- xxvii. Did Sinnan die leaving behind a last will bequeathing her estate to the 17th and 18th Respondents ?.
- xxviii. Have the interests of the 2nd Respondent devolved on the 31st to 34th Respondents ?.

xxix. If so, what is the extent of that interest ?.

xxx. Did Chellamma and her sister sell any properties after the estate was closed in 1951 in their personal capacity as heirs of their father Arumugam ?.

xxxi. If so, are they accountable in these proceedings for such sale ?.

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10 6. After inquiry the learned Judge by his order dated 28th March, 1956 declared the Administratrix de bonis non and her sister the sole heirs of the deceased and ordered the contesting parties including the Petitioners to pay the Administratrix de bonis non the costs of the inquiry.

7. Being dis-satisfied with the said order the 17th and 18th Respondents-Petitioners beg to raise the following among other objections that may be urged by Counsel at the hearing of the appeal :—

(1) The said order is contrary to law and the weight of evidence led in the case.

20 (2) The Petitioners respectfully submit that on the evidence led in the case the learned District Judge should have held that the deceased was Kanapathy Kanthar, that he was a Hindu by birth as admitted by T. M. Antony, that he was the legitimate son of Kanapathy in view of the documents produced as oral evidence led in the case. The attempt to show the deceased was Kaithar Kanthar that his mother was Kathirinchy is not justified.

(3) That Petitioner respectfully submit that the administratrix was not entitled to file a pedigree along with the documents after the conclusion of the inquiry and without having it marked or referred to earlier.

30 (4) The learned District Judge, it is respectfully submitted, should not have acted on the evidence of the Administratrix who made many false statements even by contradicting certain matters of record in this case.

(5) The learned District Judge in answering issue No. 22 in the negative has not taken into account the Secretary's report made in pursuance to the commission issued to him to inventories of the deceased's properties. The Secretary has further stated in the record that Elaiavy Arumugam was in possession of the keys of the almyrahs,

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boxes and iron safe which contained medicines and that Elaiavy Arumugam declined to give the keys until the decision as to who should administer the estate of the deceased.

(6) The 26th and 27th issues suggested by these Petitioners have been answered in the negative. Sinnan alias Sinny from whom these Petitioners claim the estate that is being administered in this case is declared not to be the heir of the deceased Kanapathy Kanthar.

(7) These Petitioners states that the learned District Judge should have accepted the evidence of Sinnavy Arumugam since he is the only man of all the witnesses called in this case who knew the deceased personally from his infancy.

(8) The identity of Kathirinchi referred to in A4 with the mother of the deceased Kanthar has not been proved nor has the identity of Kanthar in A4 with Kanthar the deceased been proved.

(9) The learned Judge has misdirected himself as to the evidence on a number of matters. 20

Wherefore the 17th and 18th Respondents-Petitioners pray :—

(a) That the said order dated 28th March, 1956 be set aside and that they (17th and 18th Respondents-Petitioners) be declared the heirs of Kanapathy Kanthar.

(b) For costs of the Court below and in this Court.

(c) And for such other and further relief as to Your Lordships' Court shall seem meet.

(Sgd.) ABOOBUCKER & SULTAN,
Proctors for 17th and 18th Respondents-Petitioners. 30

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Judgment of the Supreme Court.

S. C. No. 111/56.

D. C. JAFFNA 605/T.

PRESENT : SANSONI, J. and T. S. FERNANDO, J.

COUNSEL : C. THIAGALINGAM, Q.C., with V. ARULAMBALAM,
for the 1st — 18th appellants — No. 111B.
and 1st — 18th respondents — No. 111A.K. SIVAGURUNATHAN with A. NAGENDRA,
for the 14th, 27th, 28th, 29th and 30th appellants No. 111A.
and 14th, 27th, 28th, 29th and 30th respondents No. 111B.E. B. WIKRAMANAYAKE, Q.C., with C. CHELLAPAH,
for the administratrix respondent in both appeals.PARTIES : M. Anthonipillai, et. al. respondents-appellants.
Chellamma, wife of Phillip of Karaiyoor, et. al.
respondents-respondents.

ARGUED ON : 30th April, 1958.

DECIDED ON : 9th May, 1958.

SANSONI, J.

One Kanapathy Kanthar died intestate on the 19th March, 1938 leaving no issue or surviving spouse. An inquiry was held by the learned District Judge, into the claims of numerous parties who claimed to be his heirs, and he found that the deceased was the illegitimate son of a man named Kanapathy and a woman named Kannathai alias Katherinchi. He has also found that the only heirs of the deceased were the present administratrix de bonis non of his estate, by name Chellamma, and her sister the 16th respondent, who are the grand children of Katherinchi's brother Eliavy.

Against this order two appeals have been filed. One appeal is by the 14th and 27th to 30th respondents, who claim to be the grand children of one Sinnavi, said to be a brother of Katherinchi. The other appeal is by the 4th to 11th, 20th to 26th, and 31st to 34th respondents : they claim to be the grand children of one Nannian who, they say, was the second husband of Kanapathy's mother Theivi, Theivi's first husband having been Velan, the father of Kanapathy.

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In order to establish her case that she and her sister the 16th respondent were the only heirs of the deceased, Chellamma gave evidence herself and called certain witnesses. There is no doubt that she was related to the deceased Kanthar on his mother's side. Her father was Arumugam, the original administrator of this estate, who died in 1943, and Arumugam's father was Eliavy the brother of the deceased Kanthar's mother. Kanthar had executed a dowry deed (A1) in 1923 in her favour describing her as the daughter of his cousin Arumugam. He has called himself in that deed Kanapathy Kanthar, and it is clear that this is the name by which he was always known. It is not necessary to refer to the 10 numerous documents executed by him which have been produced in this case where he has always described himself as Kanapathy Kanthar. Not a single witness who has given evidence in these proceedings has stated that he was ever known by any other name, but the administratrix Chellamma chose to say under cross-examination, after first saying that she did not know who Kaithar Kanthar was, that the deceased was also known by that name.

The reason for this answer seems to be that in the death certificate (A4) of a woman named Katherine, widow of Kaithar, who died on 8th May, 1915, the informant's name appears as Kaithar 20 Kanthar who is described as "son present at death". Now A4 seems to have been produced in order to establish that the deceased's mother was the Katherine, widow of Kaithar, referred to in A4, the inference sought to be drawn would be that the deceased was not the legitimate son of Katherine, if in fact his father was Kanapathy. The learned Judge has held that A4 does in fact refer to the deceased's mother and that the informant was the deceased Kanthar, but that the name Kaithar Kanthar as the name of the informant had been inserted by error as "the Registrar of Deaths appears to have thought that Katherinchi's husband Kaithar was her son Kanthar's father, though Kaithar was actually 30 Kanapathy's son." It must be granted that Katherine's parents, according to A4, are Kanthar and Kathirasi, which are admittedly the names of the deceased's mother's parents, but it has transpired in evidence that among the people of the particular caste to which these parties belong those names are common. Having regard to the name of the informant in A4, a name which the deceased Kanthar clearly never had, and the absence of any evidence to identify the deceased woman mentioned in A4 as the deceased Kanthar's mother, I think it must be held that A4 does not in fact refer to the deceased's mother, although she appears to have had the names Katherine, Kannathai, Katherinchi and even Kanni. 40

It is also worth noting at this stage that Chellamma's witness Anthony has said in evidence that he knew the deceased's mother Katherinchi for about 42 years. Now when this witness gave evidence he was about 64 years old so that he would have been born in the year 1892: even if counts 42 years from 1892, the person mentioned in A4 could not have been the deceased's mother, seeing that the date of death in A4 is

the 8th May, 1915. It has been pointed out on the contrary that the 22nd respondent has stated in evidence that the deceased's mother predeceased the deceased by five or six years. According to this evidence then she would have died about 1932 or 1933, in which event Anthony could have known her for about 40 years.

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Since A4 does not prove that the deceased's mother Katherine was married to Kaithar, because A4 does not refer to her, the next matter to be considered is whether there is any other evidence that she was the wife a Kaithar. Chellamma has said so. She has stated that
10 Katherine and Kaithar were married at Kayts, but she does not say from where she obtained this information. She does not even say that the deceased's mother told her so, though she does say that the deceased's mother told her that the deceased was a bastard—a piece of evidence which I think any Court would refuse to accept. The witness Anthony has also stated that Katherinchi married Kaithar, but he again is obviously not speaking from personal knowledge, and does not say who gave him this information. He has added, however, that Katherinchi lived with another man called Kanapathy, and even Chellamma has referred to Kanapathy as the father of the deceased.

20 It would thus seem that although a certain woman by the name of Katherine who is referred to in A4 was married at some time to one Kaithar, and that a son called Kanthar by him, it is not the Katherine who was the mother of the deceased. There are on the other hand, the admissions of Chellamma and her witness Anthony that the deceased's mother was Katherine or Katherinchi and that a child—the deceased—by a man called Kanapathy with whom she lived. There is also the witness Nagesu who was called by Chellamma. He claims to have known the deceased very well, also the deceased's father Kanapathy. He claims to be a relation, through his wife, of Kanapathy, although he says that
30 he never saw Kanapathy.

There is one document which I should refer to before passing on, and that is the mortgage bond A3 of 1906 executed by two persons in favour of Katherinchi, widow of Kaithar, and Kanapathy Kanthar. There is no evidence as to who the first mortgagee was, and I think it would be wrong to presume that she was any relation at all of the other mortgagee. On this part of the case it has also been urged for the appellants that the learned Judge was wrong in assuming that it was Chellamma's case that Katherinchi first married Kaithar and after she became a widow had a child—the deceased—by Kanapathy. There is
40 certainly no evidence to this effect.

I shall now deal with the case of the 14th and 27th to 30 respondents who have appealed against the rejection of their claim. As I have already mentioned, they claim through Sinnavi, who Chellamma herself admits is the name of one of Katherine's brothers. But Chellamma's evidence is that the said Sinnavi was also known as Gnanapragasam,

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who married a woman named Innesam, by whom he had a child called Elizabeth. The weakness in this evidence is that Sellamma cannot say that the baptismal certificate A8 of Gnanapragasam and the birth certificate A9 of Elizabeth, refer respectively to Sinnavi and the daughter of Sinnavi who was admittedly the brother of Katherine. Sellamma herself did not know these persons. On the other hand, we have the death certificate of Kanthar Sinnavi (A16) which Sellamma herself produced. The identity of the deceased in A16 is established by the fact that the informant is Kanapathy Kanthar who is described as “nephew present at death.” Clearly the informant is the deceased Kanthar whose estate 10 is being administered, as the learned Judge holds, and this document shows that in 1905 when Sinnavi died he was still known by that name. In fact, Sinnavi died in the house of Kanthar. I do not therefore think that the learned Judge should have accepted A8 and A9 as proving that Katherine’s brother Sinnavi had changed his name to Gnanapragasam, or that he had a daughter Elizabeth who died childless as Sellamma says.

As against the evidence produced by Sellamma on this part of the case, we have the deed 14 R2 dated 1917 which was produced by the 28th respondent. It is a transfer by Sinnachie (widow of Kanthar Sinnavi) Kannathai (daughter of Sinnavi) and another woman, in favour 20 of Muthi, daughter of Sinnavan. The title recited is an earlier deed 14 R1 of 1904 in favour of Kanthar Sinnavi, and the original deeds have been produced by the 28th respondent. In his evidence, the 28th respondent has spoken to the pedigree. He has stated that he knew the deceased Kanthar whose parents were Kanapathy and Katherinchi. He has claimed that Kanthar Sinnavi, a brother of Kannathai, was his grand father, and that Eliavy was another brother of Kanathai. Of course he does not claim to know these facts from personal knowledge but from what his parents told him. If his evidence is true, his grand father Sinnavi did not marry Innesam but Sinnachie. 30

Now this evidence, which was the main evidence relied on by the 14th and 27th to 30th respondents who have appealed, seems to me to be of considerable weight, but the learned Judge has rejected it. One of the reasons given by him is that the 28th respondent did not impress him favourably as a witness. I fully realise that a trial Judge is entitled to make such a comment, and that such an opinion of a witness should not be lightly disregarded. But this opinion must be judged in the light of the other reasons given by the learned Judge for rejecting the claims of the 14th and 27th to 30th respondents and for not acting upon the documents which they produced. One such reason is that Sinnavi died in 40 Kanapathy Kanthar’s house and not in the house of any of his descendants, and he draws the inference that Sinnavi had no descendants. With all respect, I consider this an inadequate reason for holding that the Sinnavi who died in Kanapathy Kanthar’s house was not the grand father of these respondents. Nobody has suggested that there was any other Sinnavi, who was an uncle of Kanapathy Kanthar, in this pedigree. Another reason given by the learned Judge is that the dowry deed A1

provides that if Sellamma dies issueless the property should devolve on her father and the learned Judge thinks that if Kanapathy Kanthar had other heirs he would have provided differently. But this is pure conjecture as to how Kanapathy Kanthar's mind might have worked, and I do not consider it a sound reason for holding that there were no other heirs besides Eliavy Arumugam father of Sellamma. I need not deal with certain other comments which the learned Judge has made except to remark that if the 28th respondent did say that Kanthar was a Hindu and not a Roman Catholic, it may well have been because Kanthar was
 10 not a practising Roman Catholic, who, for that reason, was not given the honours usually given to a practising Roman Catholic at his funeral.

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It is possible that the learned Judge formed an unfavourable opinion of the 28th respondent as a witness because he took a different view of the documents from the view which I have taken. After a careful consideration of the evidence given on behalf of the group to which the 28th respondent belong, I would hold that they have established their claim to be the descendants of Sinnavi, a brother of the deceased's mother Kannathai. They would therefore share the estate in the same proportion as the daughters of Eliavy Arumugam.

20 There remains for consideration the claim of the 4th to 11th, 20th to 26th and 31st to 34th respondents who have also appealed. Since they claim through the father of Kanapathy Kanthar it was for them to prove that the deceased's parents Kanapathy and Kannathai (Mr. Wikremanayake who appeared for the respondent Sellamma did not dispute the fact that they were his parents) were married.

Now it is not pretended that any such marriage was registered, nor has any witness spoken to having seen the marriage taking place. Indeed, from the nature of things such evidence would be almost impossible to obtain. But the difficulty is not insuperable, and other
 30 evidence has been led in order that the Court might draw the presumption of a marriage having taken place. Firstly, it is said that the deceased himself regarded the parents of some of the respondents as his heirs, and said so to Dr. Mills shortly before his death. Secondly, witnesses have stated that Kanapathy and Kannathai lived together as husband and wife, and while they were so living together they had a child who was Kanthar. Thirdly, persons who had special means of knowledge of the relationship between Kanapathy, Kannathai and Kanthar are said to have made statements relating to the existence of that relationship before this dispute arose.

40 Under the first head we have the evidence of Dr. Mills who was attending to the deceased during the last illness and had known the deceased well for about 38 years. He has said that Veyravan and Sinnavan, who are two of the four children of Kanapathy's mother Theivi by her second husband, came to the Manipay Hospital while the deceased

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was there, and the deceased told him that they were his heirs, although he did not tell Dr. Mills how he was related to them. About three months after the deceased died Dr. Mills wrote a letter 4 R 16 in which he refers to this statement made by the deceased to him. If this evidence is true, it shows that the deceased acknowledged the children of his grand mother Theivi by her second husband, that is to say his step-brothers and sisters, as his heirs, and the statement he made to Dr. Mills is clearly admissible to prove the relationship under Section 32 (5) of the Evidence Ordinance. The statement is of the greatest significance because the deceased was putting his relationship to these persons on a higher plane—the plane of legitimacy—than his relationship to Aiyadurai (his illegitimate son). The learned Judge, while holding that Dr. Mills spoke the truth when he gave evidence, thought that he might be mistaken as to what the deceased said to him. I do not think that this is a sufficient reason for refusing to act on his evidence, since Dr. Mills was confident that he had a clear recollection of all that happened at the Hospital. Perhaps the learned Judge was led into forming this view because he misconstrued a passage in the letter 4R16 which Dr. Mills wrote, which reads: “I too at their instigation tried to persuade the deceased on the 19th May, 1938 to make a will but he refused and said that he is not going to write to these people, but there are other heirs at Changanai namely Vyravan and Sinnavan.” As I read this sentence Dr. Mills was referring to the reasons that the deceased gave him for refusing to make a will, namely, the existence of other heirs at Changanai. The learned Judge, however, has read this sentence as meaning that Dr. Mills himself knew that there were other heirs at Changanai, so that when under cross-examination he answered that he did not know that the deceased had relations in Changanai, he was contradicted by this statement in his letter. This may explain why the learned Judge was reluctant to act upon the testimony of Dr. Mills, but as I have said it is not a sound reason.

Under the second head, there is the evidence of certain witnesses called by this group of respondents who have spoken to having seen Kanapathy and Kannathai living together. One was Velupuram who was 98 years old when he gave evidence and who claimed to have known not only Kanthar but also his parents Kanapathy and Kannathai. He said that he saw Kanthar coming with his parents to his grand father Nannian's house, and he was aware that Kanapathy and Kannathai were married at Koddady. His evidence has been rejected because he had last seen Kanthar as a boy of five and perhaps also because he said that Kanthar's parents lived at Changanai. Another witness was Mathavar who was 88 years old and claimed to have known Kanthar and his parents. It is true that he wrongly referred to Kanthar's mother as Theivi at the beginning of his evidence though he later corrected himself and said that he knew her as Kanny. He has said that he saw Kanthar and his parents attending funerals together at Changanai. He has spoken to their having lived together, but his evidence has been rejected

because he made a mistake about the name of Kanthar's mother and the time of her death. These witnesses are Vellalas, belonging to a caste different from that to which the deceased belonged. The learned Judge has also regarded their evidence with scepticism because he thought that they were influenced by Proctor Sivagnanam (who appears for this group of respondents) and his father-in-law (who has obtained a transfer of certain interests which these respondents claim in the deceased Kanthar's estate.) It is not possible for us to say that the learned Judge should have believed these witnesses and we cannot therefore act as though their evidence established the matters to which they referred.

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Under the third head there is, in particular, the evidence of the 22nd respondent, Vairaven Kanapathy. He is a son of Vairaven who, according to Dr. Mills, visited the deceased Kanthar during his last illness, and was described by Kanthar as an heir. He has spoken to the relationship of the persons appearing in the pedigree, and there is no doubt that much of his knowledge is derived from his father. He has stated that his father told him that Kanapathy and Kannathai lived at Koddady and had a son, the deceased Kanthar. The learned Judge has dismissed this witness' evidence in a few words and has also condemned it as hearsay, presumably because the witness referred to statements made by his father. But the hearsay rule has certain exceptions, and under Section 32 (5) of the Evidence Ordinance such evidence of pedigree is admissible. Vairaven not only told his son about Kanthar and his parents but also conducted himself as their relation. He visited Kanthar in his house and in Hospital, and attended Kannathai's funeral. This witness has also said that he used to address Kanthar as "annan". He did say that he was unaware whether Kanthar was an illegitimate child, but this is not a damning admission by him, because he can only speak to matters from which the inference of legitimacy or illegitimacy may be drawn. In view of the deceased Kanthar's statement to Dr. Mills, I think the evidence of this witness is entitled to greater consideration and credit than it received from the learned Judge.

But it was pointed out by Mr. Wikramanayake that the witness only became aware of the deceased's lands after Proctor Sivagnanam showed them to him. I do not think this affects the claim made by him

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and the other appellants belonging to this group. It is obvious that the witness' father Vairavan and his uncle Sinnavan claimed a share of the estate very shortly after Kanthar died. They needed money to establish their claim in Court and they borrowed Rs. 4250/- from Mr. Sivagnanam's father-in-law Mr. Ponniah, on two promissory notes executed in June and August, 1938 for this purpose. When this part of the evidence is read along with Dr. Mills' testimony, the suggestion that this group came forward to make a speculative claim has little to support it.

For the reasons I have given I would hold that both groups of appellants have established their claims to be heirs of the deceased ¹⁰ Kanthar.

Both appeals are therefore allowed with costs in both Courts payable by the administratrix de bonis non personally.

(Sgd.) M. C. SANSONI,
Puisne Justice.

T. S. FERNANDO, J.

I agree,

(Sgd.) T. S. FERNANDO,
Puisne Justice.

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Decree of the Supreme Court.

D. C. (Inty.) 111/'56 (A-B).

ELIZABETH THE SECOND, QUEEN OF CEYLON AND OF HER
OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

In Appeal No. 111A.

M. Anthonipillai of Kayts, and others.

10

14th, 27th, 28th, 29th & 30th

Respondents-Appellants.

Vs.

Chellammah, wife of Phillip of Karaiyoor.

Administratrix de bonis non

Respondent

Velan Marimuttu of Sandilippay, and others.

Respondents.

In Appeal No. 111B:

Velan Marimuttu of Sandilippay, and others.

20

4th to 11th, 20th to 26th & 31st to 34th

Respondents-Appellants.

Vs.

Chellammah, wife of Phillip of Karaiyoor.

Administratrix de bonis non

Respondent.

M. Anthonipillai of Kayts, and others.

Respondents.

Action No. 605/T.

District Court of Jaffna.

30

This cause coming on for hearing and determination on the 30th April, and 9th day of May, 1958 and on this day, upon an appeal preferred by the 14th, 27th, 28th, 29th and 30th, 4th to 11th, 20th to 26th

No. 69
Decree
of the
Supreme
Court
9-5-58
—continued.

and 31st to 34th Respondents-Appellants, before the Hon. M. C. Sansoni, and the Hon. T. S. Fernando, q.c., Puisne Justices of this Court, in the presence of Counsel for the Appellants, and Administratrix-Respondent.

It is considered and adjudged that the appeals of the 14th, 27th, 28th, 29th and 30th and 4th to 11th, 20th to 26th, and 31st to 34th Respondents-Appellants be and the same are hereby allowed.

It is further decreed that the costs in both Courts be paid by the Administrator de bonis non personally.

(*Vide* copy of judgment attached.)

Witness the Hon. Hema Henry Basnayake, q.c., Chief Justice at 10 Colombo, the 15th day of May, in the year One thousand Nine hundred and fifty eight and of Our Reign the Seventh.

(Sgd.) W. G. WOUTERSZ,
Deputy Registrar, S. C.

No. 70
Application
for
Conditional
Leave to
Appeal to
the Privy
Council
6-6-58

No. 70.

**Application for Conditional Leave to Appeal to the
Privy Council.**

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

Testamentary
Jurisdiction
No. 605 Old.

20

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

Illayavi Arumugam of Karaiyoor, Jaffna.

Original Administrator (Dead).

Chellammah, wife Phillip of Karaiyoor, Jaffna.

*Administratrix de bonis non
Petitioner-Appellant.*

Vs.

30

- (Dead). 1. Chinnan, widow of Murugan of Chankanai,
(Dead). 2. Nannian Chinnavan of Chankanai,

- (Dead). 3. Nannian Vyraven of Chandilippay.
 4. Velan Marimuttu of Chandilippay.
 5. Velan Vaithan of Chandilippay.
 6. Murugar Ponnar and wife,
 7. Ledchumi of Chankanai.
 8. Pathan Kanapathy and wife,
 9. Ponny of Chandilippay.
 10 (Dead). 10. Visuvan Kathiravelan and wife,
 (Dead). 11. Thangamuttu of Chandilippay.
 (Dead). 12. Poothat Vairavy and wife,
 13. Muthi of Koddady.
 14. Maruchelin Anthonipillai of Kayts.
 15. Sinnakuddy Thambiah alias Saverimuttu of Kayts.
 16. Ramasamy, widow of Muthu of Karaiyoor.

No. 70
 Application
 for
 Conditional
 Leave to
 Appeal to
 the Privy
 Council
 6-6-58
 —continued.

Original Respondents.

17. Arumugam Veerasingham and wife,
 18. Packiam both of Uduvil.

Substituted Respondents in place of deceased

15th Respondent.

- 20 (Dead). 19. Kanakai alias Rebecca of Moolai Road, Chandikully.
 20. Sinnavan Kanapathy.
 21. Sinnavan Arumugam.
 22. Vairavan Kanapathy.
 23. Kanapathy Sellan and wife,
 24. Seethai.
 25. Sinnapodian Vally and wife,
 26. Kuddy all of Chankanai.

Substituted Respondents in place of deceased

2nd & 3rd Respondents.

- 30 27. Vairavy Nallathamby and
 28. Vairavy Chelliah both of Koddady.
 29. Elupolai Sinnapody and wife,
 30. Valliammai both of Suthamalai.

Substituted Rrspondents in place of deceased

13th Respondent.

31. Kanapathy Murugan and
 32. Wife of Rasu.
 33. Kanapathy Sellan and wife,
 34. Thangamma of Chankanai.

40

Substituted Respondents in place of deceased

20th Respondent.

No. 70
Application
for
Conditional
Leave to
Appeal to
the Privy
Council
6-6-58
—continued.

In the matter of an application for Conditional Leave to Appeal to Her Majesty The Queen in Council.

On this 6th day of June, 1958.

TO HIS LORDSHIP THE HONOURABLE THE CHIEF JUSTICE AND THE OTHER JUDGES OF THE HONOURABLE THE SUPREME COURT OF THE ISLAND OF CEYLON.

The Humble Petition of the Administratrix-Petitioner abovenamed appearing by her Proctor SINNIAH VELAUTHAPILLAI states as follows.—

1. That feeling aggrieved by the judgment of this 10 Honourable Court in the above styled action pronounced on the 9th day May, 1958, the Administratrix-Petitioner-Appellant abovenamed is desirous of appealing therefrom to Her Majesty The Queen in Council.

2. That the said judgment is a final judgment.

3. That the matter in dispute in the appeal amounts to or is of the value of Five Thousand Rupees (Rs. 5000/-) or upwards.

4. That the Appellant has given the due notice to the Respondents abovenamed of her intention to make this 20 application. The Petitioner annex herewith documents marked X, Y and Z in proof of such services.

WHEREFORE the Appellant prays :—

(a) For Conditional Leave to appeal to Her Majesty The Queen in Council against the said judgment of this Court.

(b) For costs, and

(c) For such other and further relief as to Your Lordships' Court shall seem meet.

(Sgd.) S. VELAUTHAPILLAI, 30
*Proctor for Administratrix-
Petitioner-Appellant.*

DOCUMENTS FILED WITH THE PETITION :—

1. Affidavit of Petitioner-Appellant.
2. Documents marked X, Y and Z.

(Sgd.) S. VELAUTHAPILLAI,
*Proctor for Administratrix-
Petitioner-Appellant.*

No. 71.

Decree of the Supreme Court Granting Conditional Leave
to Appeal to the Privy Council.

S. C. Application No. 203.

No. 71
Decree
of the
Supreme
Court
Granting
Conditional
Leave to
Appeal to
the Privy
Council
16-7-58

ELIZABETH THE SECOND, QUEEN OF CEYLON AND OF HER
OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

10 In the matter of an Application dated 6th June, 1958,
for Conditional Leave to Appeal to Her Majesty the Queen
in Council by the Administratrix de bonis non.

Petitioner.

In matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

Illayavi Arumugam of Karaiyoor, Jaffna.

Original Administrator (Dead).

Chellammah, wife of Phillip of Karaiyoor, Jaffna.

Administratrix de bonis non

20

Petitioner.

Against

- (Dead). 1. Chinnan, widow of Murugan of Chankanai.
(Dead). 2. Nannian Chinnavan of Chankanai.
(Dead). 3. Nannian Vyravan of Chandilippay.
4. Velan Marimuttu of Chandilippay and others.

Respondents and Substituted

Respondents.

Action No. 605 (S. C. 111/'56 Inty).

District Court of Jaffna.

30 This cause coming on for hearing and determination on the 16th
day of July, 1958, before the Hon. M. F. S. Pulle, q. c., and the Hon. M.
C. Sansoni, Puisne Justices of this Court, in the presence of Counsel for
the Petitioner.

It is considered and adjudged that this application be and the
same is hereby allowed upon the condition that the Applicant do within
one month from this date :—

1. Deposit with the Registrar of the Supreme Court a sum
of Rs. 3000/- and hypothecate the same by bond or

No. 71
Decree
of the
Supreme
Court
Granting
Conditional
Leave to
Appeal to
the Privy
Council
16-7-58
—continued.

such other security as the Court in terms of Section 7 (1) of the Appellate Procedure (Privy Council) Order shall on application made after due notice to the other side approve.

2. Deposit in terms of Provisions of Section 8 (a) of the Appellate Procedure (Privy Council) Order with the Registrar a sum of Rs. 300/- in respect of fees mentioned in Section 4 (b) and (c) of Ordinance No. 31 of 1909 (Chapter 85).

Provided that the Applicant may apply in writing to the said 10 Registrar stating whether she intends to print the record or any part thereof in Ceylon, for an estimate of such amounts and fees and thereafter deposit the estimated sum with the said Registrar.

Witness the Hon. Hema Henry Basnayake, q. c., Chief Justice at Colombo, the 21st day of July, in the year One thousand Nine hundred and fifty eight and of Our Reign the Seventh.

(Sgd.) B. F. PERERA,
Deputy Registrar, S. C.

No. 72
Application
for Final
Leave to
Appeal to
the Privy
Council
6-8-58

No. 72.

Application for Final Leave to Appeal to the Privy Council. 20

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

S. C. No. 203.
S. C. No. 111.
Testamentary
Jurisdiction
No. 605.

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Illayavi Arumugam of Karaiyoor, Jaffna. *Deceased.* 80
Original Administrator (Dead).

Chellammah, wife of Phillip of Karaiyoor, Jaffna.
Administratrix de bonis non
Petitioner-Appellant.

Vs.

- (Dead). 1. Chinnan, widow of Murugan of Chankanai.
(Dead). 2. Nannian Chinnavan of Chankanai.

- (Dead). 3. Nannian Vyravan of Chandilippay.
 4. Velan Marimuttu of Chandilippay.
 5. Velan Vaithan of Chandilippay.
 6. Murugar Ponner and wife,
 7. Ledchumi of Chankanai.
 8. Pathan Kanapathy and wife,
 9. Ponny of Chandilippay.
 10 (Dead). 10. Visuvan Kathiravelan and wife,
 11. Thangamuttu of Chandilippay.
 (Dead). 12. Poothat Vairavy and wife,
 13. Muthi of Koddady.
 14. Maruchelan Anthonipillai of Kayts.
 (Dead). 15. Sinnakuddy Thambiah alias Saverimuttu of Kayts.
 16. Rasamany, widow of Muthu of Karaiyoor.

No. 72
 Application
 for Final
 Leave to
 Appeal to
 the Privy
 Council
 6-8-58
 —continued.

Original Respondents.

17. Arumugam Veerasingham and wife,
 18. Packiam both of Uduvil.

Substituted Respondents in place of deceased

15th Respondent.

- 20 (Dead). 19. Kanaki alias Rebecca of Moolai Road, Chandikully.
 20. Sinnavan Kanapathy.
 21. Sinnavan Arumugam.
 22. Vairavan Kanapathy.
 23. Kanapathy Sellan and wife,
 24. Seethai.
 25. Sinnapodian Vally and wife,
 26. Kuddy all of Chankanai.

Substituted Respondents in place of deceased

2nd & 3rd Respondents.

- 30 27. Vairavy Nallathamby and
 28. Vairavy Chelliah both of Koddady.
 29. Elupolai Sinnapody and wife,

No. 72
Application
for Final
Leave to
Appeal to
the Privy
Council
6-8-58
—continued.

30. Valliammai both of Suthamalai.

*Substituted Respondents in place of deceased
13th Respondent.*

31. Kanapathy Murugan and
32. Wife of Rasu.
33. Kanapathy Sellan and wife,
34. Thangamma of Chankanai.

*Substituted Respondents in place of deceased
20th Respondent.*

IN THE MATTER OF AN APPLICATION FOR FINAL LEAVE TO APPEAL TO HER MAJESTY THE QUEEN IN COUNCIL.

TO THE HONOURABLE THE CHIEF JUSTICE AND THE OTHER JUDGES OF THE SUPREME COURT OF THE ISLAND OF CEYLON.

On this 6th day of August, 1958.

The Humble Petition of the Petitioner abovenamed appearing by SINNIAH VELAUTHAPILLAI her Proctor states as follows :—

1. That the Appellant on the 16th day of July, 1958, obtained Conditional Leave on the usual terms from this Honourable Court to appeal to Her Majesty The Queen in Council against the judgment of this Court pronounced on the 9th day of May, 1958.

2. That the Appellant has in compliance with the Conditions on which such leave was granted deposited with the Registrar of this Court a sum of Rs. 3000/- to cover the security for costs of appeal and a sum of Rs. 300/- towards the Registrar's fees and has hypothecated the same by bond.

3. That the Appellant has given due notices to the Respondents of this application for Final Leave by sending same under registered and ordinary post. The Petitioner files herewith the Certificate of Posting marked "X".

30

WHEREFORE the Appellant prays that she be granted Final Leave to appeal against the said judgment of this Court dated the 9th day of May, 1958 to Her Majesty The Queen in Council, for costs of this application and for such other and further relief in the premises as to Your Honours Court shall seem meet.

(Sgd.) S. VELAUTHAPILLAI,
Proctor for Appellant.

No. 73.

Decree of the Supreme Court Granting Final Leave to
Appeal to the Privy Council.

S. C. Application No. 307.

No. 73
Decree
of the
Supreme
Court
Granting
Final Leave
to Appeal to
the Privy
Council
8-8-58

ELIZABETH THE SECOND, QUEEN OF CEYLON AND OF HER
OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON.

10 In the matter of an Application dated 6th August,
1958, for Final Leave to Appeal to Her Majesty the Queen
in Council by the Administratrix de bonis non.

Petitioner.

In the matter of the Estate of the late Kanapathy
Kanthar of Jaffna Town.

Deceased.

Illayavi Arumugam of Karaiyoor, Jaffna.

Original Administrator (Dead).

Chellammah, wife of Phillip of Karaiyoor, Jaffna.

Administratrix de bonis non

20

Petitioner.

Against

- (Dead). 1. Chinnan, widow of Murugan of Chankanai.
(Dead). 2. Nannian Chinnavan of Chankanai.
(Dead). 3. Nannian Vyravan of Chandilippay.
4. Velan Marimuttu of Chandilippay and others.

Respondents and Substituted

Respondents.

Action No. 605 (S. C. 111/'56 Inty).

District Court of Jaffna.

30 This cause coming on for hearing and determination on the 8th
day of August, 1958, before the Hon. H. W. R. Weerasooriya and the Hon.

No. 73 K. D. de Silva, Puisne Justices of this Court, in the presence of Council
 Decree of the Supreme Court for the Petitioner.

Granting Final Leave to Appeal to the Privy Council 8-8-58
 —continued. It is considered and adjudged that this application for Final Leave to Appeal to Her Majesty the Queen in Council be and the same is hereby allowed.

Witness the Hon. Hema Henry Basnayake, q. c., Chief Justice at Colombo, the 25th day of August, in the year One thousand Nine hundred and fifty eight and of Our Reign the Seventh.

(Sgd.) B. F. PERERA,

Deputy Registrar, S. C. 10

A 8

Certificate of Baptism of Gnanapragasam.

Certificate of Baptism.

A 8
Certificate
of Baptism
of Gnanapra-
gasam
20-1-1860

A 8

Name : Gnanapragasam
 Sex : Male Caste Nalaver Domicile Vannarponnai
 Father's Name : Kanthan
 Mother's Name : Kathirasy
 Date of Birth : 25 years old at that time
 10 Date of Baptism : 20th January, 1860
 Sponsors : Gaspar Antony
 and Henry's wife Anai

Sgd : POUZIN, O.M.I.
 Missionary.

I, B. Wm. Jesuthasan Missionary O.M.I. do hereby certify that the foregoing is a true extract from the Baptismal Register of St. Mary's Church.

Given at Kayts, on the sixteenth day of Sept., 1947.

Sgd : B. Wm. JESUTHASAN, O.M.I.

20

A 9

Certificate of Baptism of Elizabeth

Certificate of Baptism.

A 9
Certificate
of Baptism
of Elizabeth
5-3-1863

A 9

Name : Elizabeth
 Sex : Female
 Father's Name : Gnanapragasam
 Mother's Name : Innesam
 Date of Birth : 25-2-1863

A 9
Certificate
of Baptism
of Elizabeth
5-3-1863
—continued.

Date of Baptism : 5-3-1863
Sponsors : Anthony Mariam and his wife Anai

(Sgd.) J. POUZIN
Missionary Apostolic.

I, B. Wm. Jesuthasan, O.M.I. Missionary do hereby certify that the foregoing is a true extract from the Baptismal Register of St. Mary's Church.

Given at Kayts, on the Seventeenth day of January, 1948.

(Sgd.) B. Wm. JESUTHASAN, O.M.I.

A 10
Certificate
of Marriage
of Abraham
(Abram)
with
Elizabeth
Issued by
the Catholic
Church
30-6-1881

A 10

Certificate of Marriage of Abraham (Abram) with Elizabeth. 10

Certificate of Marriage.

A 10

Name of Bridegroom : Abraham (Abram)

„ Bride . Elizabeth

Bridegroom's Father : Pavilu

„ Mother : Mariai

Bride's Father : Gnanapragasam

„ Mother : Innesia

Date of Marriage: 30th June, 1881

Witness : S. Bastiam

and G. Santiogu

20

(Sgd.) I. POUZIN, O.M.I.
Miss. Apost.

I, the undersigned Missionary Apostolic, do hereby certify that the foregoing is a true extract from the Register of Marriages of St. Mary's Cathedral Mission, Jaffna.

Given at Jaffna on the 17th day of September, 1947.

(Sgd.) N. A. BENEDICT,
Miss. Apost.

(Seal)

A 12

Certificate of Marriage of Pavilu Apuran and Elizabeth.

A 12

Application No. 4711

Translation.

The Registration of a Catholic Marriage, Jaffna District, Northern Province.

A 12
Certificate
of Marriage
of Pavilu
Apiran and
Elizabeth
Issued by
the
Provincial
Registrar
30-6-1881

Num- ber	Date of con- summation of marriage	Names of both the parties with the father's name	Age	Civil Con- dition	Pro- fession Occu- pation	Residence at the time of marriage	Place of Solemniza- tion of marriage	Signature of both the parties	Signatures of the Priest
									Registrar who solemnised the marriage and the witnesses.
1068	30th	Pavilu Apiran	20	Bachelor	Toddy Tapper	Karaiyoor	St. Mary's Cathedral Karaiyoor, Jaffna.	Pavilu Apuran (Signature)	F. Guillon, O.M.I., (Sgd.) Miss. Apost.
	June 1881 598	Elizabeth daughter of Gnanapira- gasam	16	Maid	—	Karaiyoor		Elizabeth daughter of Gnanapragasam (hand mark)	Savirimuttu Bastiampillai, (Sgd.) Karaiyoor. Sangistham. Gabriel Santhiappillai, (Signature)
									Karaiyoor.

Translated by me :

(Sgd.) N. SUBRAMANIAM,
S. T. D. C. Jaffna.

I, Mudaliyar C. Canapathippillai, Assistant Provincial Registrar of Marriages of the Jaffna District do hereby certify that the foregoing is a true copy of the Original Register of Marriages of Rev. Fr. F. Guillon, O.M.I. Registrar at Jaffna in the Jaffna District, filed in this Office, and the same is granted on the application of Mr. S. Aseervatham.

(Sgd.) C. CANAPATHIPPILLAI
Assistant Provincial Registrar.

Provincial Registrar's Office,
Jaffna, November 6, 1947.



Certificate of Baptism of James (alias Ponniah).

Certificate of Baptism.

Name : James (alias Ponniah)

Sex : Male

Father's Name : Paul (alias Pavilu) Abram

Mother's Name : Victoria

Date of Birth : 1st July, 1894

Date of Baptism : 11th July, 1894

10

Sponsors : Pedru Manuel
and wife Philomina

(Sgd.) J. ALOYSIUS, O.M.I.

I, the undersigned do hereby certify that the foregoing is a true extract from the Baptismal Register of St. Mary's Cathedral.

Given at Jaffna on the 7th day of December, 1955.

(Sgd.) Illegibly.

A 5

Certificate of Marriage of Eliyavan Arumugam.

A 5

A 5

Application No. 3272

A 5
Certificate
of Marriage
of Eliyavan
Arumugam
Issued by
the
Provincial
Registrar
6-11-06

Registration of a Marriage, Valigamam North, Jaffna District, Northern Province.

Num- ber	Date of con- summation of marriage	Names of both the parties with the father's name	Age	Civil con- dition	Pro- fession Occu- pation	Residence at the time of marriage	Place of Solemniza- tion of marriage	Signature of both the parties	Signatures of the Priest
									Registrar who solemnised the marriage and the witnesses.
2462	6th Nov- ember	Tamil Eliyavan Arumugaththan	22	Bachelor	Climber	Alaveddy	Office of the Registrar	Eliyavan Arumugaththan, (Signature)	H. B. Sichneey, (Sgd.) (Signature) of Stickney.
	1896	Thangam daughter of Sivalai	18	Maid	—	Alaveddy		Sivalai Thangam, (Signature)	P. Nagamuttan, (Signature) Paththan Nagamuttan, Climber, Alaveddy. A. Kanagasabai, (Signature) Arunasalam Kanagasabai, Farm Alaveddy.

Translated by me :

(Sgd.) N. SUBRAMANIAM,
S. T. D. C. Jaffna.

I, M. Ponnambalam Addl. Asst. Provl. Registrar of the Jaffna District do hereby certify that the foregoing is a true copy of the Original Register of Marriages of Mr. H. B. Stickney, Registrar of Valikamam, North Division of the Jaffna District filed in this Office and the same is granted on the application of Mr. E Arumugam.

(Sgd.) Illegibly,
Addl. Asst. Provil. Registrar.

(Seal)

10-6-43

14 R 1
Deed
No. 915
Attested by
S. K.
Abraham
Notary
Public
20-6-04

Deed No. 915

Translation.

of this 5/8 share belonging to Sinnachunai widow of Sinnavy and Kannathai dr. of Sinnavy had been transferred. 54.00/30.1.17

(Intd.)

N.P.

of this 1/8 share belonging to Meresailine Anthony of Karaiyoor had been transferred.

No. 5575/26.4.17

(Intd.)

J.P.

7/8 share had been transferred by this and another deed.

No. 5579/30.4.17

(Intd.)

N.P.

Prior registration D 22/157

No. 915

Know all men by these presents that we Marku Gavuriel and wife Kannaththai of Vannarponnai west have executed and granted transfer deed in favour of Kandar Sinnavy of the same place to wit :—

10

Lane belonging to us by right of purchase and possession as per Transfer deed dated the 14th day October, 1894 and attested by A. Seevaretnam Notary Public under No. 2976 and situated at Vannarponnai west in the parish of Vannarponnai in the division and District of Jaffna of the Northern Province called " Palluvilithoddam " in extent 15/16 lms. v. c. with palmyrah and cultivated plantations and shed and bounded on the east by the property of 20 Namasivayam Kandiah north by lane west by the property of Muttachchi wife of Velupillai and on the south by the property of Sinnappillai widow of Ambalavanar. The whole of the land contained within these boundaries had been sold and transferred unto him for the price or sum of Rs. 300/-. The land hereby sold for Rs. 300/- was subjected to mortgage by virtue of mortgage bond dated the 9th November, 1896 and attested by A. Seevaretnam N. P. under No. 399 for the principal sum of Rs. 80/- with interest thereon at the rate of 1¼ per cent per mensem in favour of Ambalavanar Marimuttu of Vannarponnai West 30 and the said Marimuttu had by virtue of deed bearing No. 384 dated 23rd July, 1903 and attested by the same Notary attesting these presents assigned same unto him, we therefore have set off the said amount of Rs. 160/- against the consideration hereof for the whole principal and interest and we having received the balance Rs. 140/- in full and having allowed those deeds to remain with him as they were previously with him we have executed and granted this Transfer deed.

Witnesses hereto are Ramalingam Cheddiar Arumugam Cheddiar of Vannarponnai West and Eliathamby Arumugam of Vannarponnai East and these being as witnesses we have set our signature hereto at the office of the Notary on this 20th day of June 1904.

14 R 1
Deed
No. 915
Assesed by
S. K.
Abraham
Notary
Public
20-6-04
—continued.

Witness (Sgd.) R. Arumugam Chettiar.

Witness (Sgd.) F Arumugam. Mark of Kabriel.

Mark of Kannattai.

(Sgd.) S. K. ABRAHAM,
Notary Public.

I, Sithamparanather Kasippillai Abraham Notary Public Jaffna do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Marku Gabriel and wife Kannaththai in the presence of Ramalingam Cheddiar Arumugam of Vannarponnai West and Eliathamby Arumugam of Vannarponnai East, the subscribing witnesses hereto that I do not know the executants but the witnesses declared that they knew them, that the same was signed by the said Kavuriel, Kannaththai and also by the said witnesses in my presence and in the presence of one another all being present at the same time at my office on this 20th day of June, 1904, that of the consideration mentioned in the deed a sum of Rs. 140/- was paid in my presence, that the duplicate hereof bears stamps to the value of Rs. 150/- and that the said stamps were supplied by me.

Date of attestation.

20th June, 1904.

(Sgd.) S. K. ABRAHAM,
Notary Public.

(Seal)

This is a true copy and bears a stamp of the value of Re. 1/-.
27th November, 1916.

(Sgd.) S. K. ABRAHAM,
Notary Public.

(Seal)

Translated by me:

(Sgd.) V. SUNDRAM,
S. T. D. C. Jaffna.
10-12-1955.

A 16
Certificate
of Death of
Canthar
Sinnavi
30-10-05

A 16

Certificate of Death of Canthar Sinnavi.

A 16

Application No. 4679

Ceylon

Certificate of Death.

No. 8827

Northern Province, Jaffna District, Jaffna Town Division.

1. Date and place of Death	: Thirtieth October, 1905 Karayoor
2. Name in full	: Canthar Sinnavi
3. Age and Nationality	: Male Tamil
4. Age	: Sixty years
5. Rank or Profession	: Trader
6. Names of Parents	: Canthar Cathirasi
7. Cause of Death, and Place of Burial or Cremation	: Diarrhoea Upumal (Karayoor)
8. Name and Residence of Informant, and in what capacity he gives Information	: Canapathy Canthar Karayoor Son-in-law present at death
9. Informant's Signature	: K. Kanthar (Sgd.)
10. When Registered	: Thirteenth November, 1905
11. Signature of Registrar	: (Sgd.) M. Chellappah Registrar, Jaffna Town

(Certificate to be written below.)

I, Mudaliyar C. Canapathippillai, Assistant Provincial Registrar of Births and Deaths of the Jaffna District, do hereby certify that the foregoing is a true copy of the Original Register of Deaths of Dr. M. Chellappah, Registrar of the Jaffna Town Division, of the Jaffna District, filed in this Office, and the same is granted on the application of Mr. S. Aseervatham.

(Sgd.) Illegibly,
Assistant Provincial Registrar.

Provincial Registrar's Office
Jaffna November 6, 1947.

A 3

Mortgage Bond No. 675

A 3

Registered D 35/265

Jaffna 31st January, 1916,

(Sgd.) M. CASALASINGHAM,

*Registrar.***Translation.**

Prior Registration, Jaffna D 30/176

No. 675

10 Know all men by these Presents that we, Nanny Gabriel and wife Annammah both of Karaiyoor, have executed and granted unto Cathirinchy widow of Kayiththan and Kanapathy Kanthar of the same place Debt Bond to wit :-

We have this day borrowed and received from them the sum of Rupees One Hundred (Rs. 100/-) For this sum of Rs. 100/- calculating the interest at the rate of one per cent per annum we shall pay the accruing interest and the principal unto them or either of them on demand. In default of payment of the said principal and interest the mortgage for the recovery thereof is the land mentioned in the deed of
20 transfer executed in favour of the late Nagamuttu wife of Sinnavan the mother of the second named of us on the 19th day of December, 1877 and attested by J. A. Tissaveerasingham Notary Public under No. 975 and devolved from the late Kathiran Sinnavan the father of the second named of us and sister Sinnammah daughter of Sinnavan by right of Urumai and which is in our possession.

Land situated Karaiyoor in the parish of Chundikkuly in the Division of Jaffna in the District of Jaffna of the Northern Province called "in extent 1 lms. v. c. and 4 Kls and do. called Santhiravantharai" in extent 1 lms. v. c. aggregating to a total extent of 2 lms. v. c.
30 and 4 Kls with hut, and cultivated plants and bounded on the east by lane, north by the property of Muttu Maichael Eithirmanasingham, west by the property of Yakkarasu John and Sovan and south by road. Having agreed to the said principal and interest being recovered from the undivided three-eighth share with all its appurtenances belonging to the second named of us out of the whole of the land contained within these boundaries, and having delivered the aforesaid deed herewith, we have executed and granted this Debt Bond.

A 8
Mortgage
Bond
No. 675
Attested by
B. Joachim-
pillai
Notary
Public
26-1-06

A 3
Mortgage
Bond
No. 675
Attested by
B. Joachim-
pillai
Notary
Public
26-1-06
—continued.

The Witnesses hereto are Jacob Eustace of Karaiyoor and Swampillai Joseph of the same place. These being Witnesses this instrument was executed in the house of Mariceliyappillai, widow of Bernard at Karaiyoor on the 26th day of January, 1906.

(Sgd.) N. GABRIEL,
Mark of Sinnammah.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

Witnesses :

1. (Sgd.) J. Eustace.
2. (Sgd.) S Joseph.

I, Bernardpillai Joachimpillai Notary Public in the Division of Jaffna do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Nanny Gabriel and wife Annammah in the presence of Jacob Eustace of Karaiyoor and Swampillai Joseph of the same place the subscribing Witnesses hereto that I know all of them, and that the executants and the Witnesses set their signatures hereto in my presence and in the presence of one another all being present at the same time in the house of Mariceliappillai widow of Bernardpillai at Karaiyoor on the 26th day of January, 1906.

And I further certify and attest that the consideration mentioned in this instrument was paid in my presence, that the Duplicate hereof bears stamp of the value of 25 cts. and that the said stamp was purchased and used by me.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

Date of Attestation :
26th January, 1906.

(Seal)

Endorsement.

Receipt has been granted on this date for a sum of Rs. 35/- out of the interest due on this Bond. 30th January, 1909.

As I have received the principal and interest mentioned herein I cause endorsement to be made therein.

(Sgd.) KANAPATHY KANTHAR.
9-6-13,

Translated by me :

(Sgd.) N. Subramaniam.
S. T. D. C. Jaffna.

A 17

Deed No. 2689

A 17

Appln. No. 72/10-1-56

A 17
Deed
No. 2689
Attested by
B. Joachim
pillai
Notary
Public
18-12-09

The Duplicate of this Deed bears a Stamp of the value of Rs. 5/-

Translation.

Prior Registration, Jaffna D 31/179

No. 2689

Whereas I Kathiramar Veluppillai of Vannarponnai East had as per
10 the transfer agreements dated 5th June, 1907 and 21st August of that
year and attested by V. Casippillai Notary Public under Nos. 1059 and
1099, agreed to sell and transfer the property mentioned therein unto
Elaiyavy Arumugam of Alaveddy, and whereas on account of the said
two Deeds I have received a sum of Rs. 620/- from the said Elaiyavy
Arumugam, and whereas with regard to the property I agreed to sell and
transfer, there was an action between me and others and at the appeal in
case No. 364/1908 of the Supreme Court of the Island of Ceylon I was
decreed the owner of an undivided half share of the property I claimed,
and whereas after this decree I am unable to sell and transfer the said
20 property described in the said agreements, and whereas now the said
Elaiyavy Arumugam agrees to accept a transfer of an undivided extent
of three lms. v. c. only out of the property decreed as belonging to me by
the Supreme Court for the sum of Rs. 750/ and to pay out of that
amount, the balance sum of Rs. 130/- after deducting the sum of
Rs. 620/- paid to me on account of the aforesaid agreements and whereas
I am desirous of receiving the same and to execute and grant a transfer
deed in favour of the said Elaiyavy Arumugam.

Know all men by these Presents that I, Kathirkamar Veluppillai of
Vannarponnai East have executed and granted unto Elaiyavy Arumugam
30 of Alaveddy transfer deed for the land to wit :-

Land belonging to me by right of purchase and possession as per
transfer deed executed in my favour on the 16th day of January, 1901
and attested by K. Sellappah Notary Public under No. 5066.

Situated at Vannarponnai East in the parish of Vannarponnai in the
Jaffna Division, Jaffna District, Northern Province called "Oovaiyady
and other parcels" in extent 40 lms. v. c. Of this, the Southern extent
of 20 lms. v. c. with stone-built house, kitchen, wells and cultivated and
spontaneous plants is bounded on the East by the properties of William

A 17
Deed
No. 2689
Attested by
B. Joachim-
pillai
Notary
Public
13-12-09
—continued.

Mather and Sellam wife of Sellappah, North by the property of A. E. Kedis and shareholders, West by Road and South by the properties of Muttia Vairamuttu and Nagamuttu daughter of Vallipuram, out of this, an undivided half share decreed as belonging to me as per the Supreme Court decree in the aforesaid Case No. 364/1908. Out of this I have this day sold and transferred unto the said Elaiyavy Arumugam an undivided extent of three lms. v. c. with its appurtenances for the sum of Rupees Seven Hundred and fifty (Rs. 750/-). Out of this amount having credited the sum of Rs. 620/- received by me previously as aforesaid, I have received the balance sum of Rs. 130/- in full now. 10

Therefore having agreed to the said extent of three lms. v. c. with its appurtenances being accepted, possessed and enjoyed by the said Elaiyavy Arumugam from this date for ever as his own purchased property, having declared that I will not consent to do or cause to be done any acts prejudicial to the same, and that I shall execute and grant all deeds as may be necessary to make this instrument valid unto him and that I shall warrant and defend the said property unto the said Elaiyavy Arumugam and having hereby bound myself and my heirs administrators and executors, I execute and grant this Transfer Deed.

The Witnesses hereto are Jacob Eustace of Karaiyoor and Visenthi Michael of the same place. These being Witnesses I set my signature hereto in the Office of this Notary at Jaffna on the Thirteenth day of December One thousand nine hundred and nine. 20

Witnesses :-

1. J. Eustace/Sgd. K. Veluppillai/Signature.
2. V. Michael/Signature.

B. JOACHIMPILLAI/Signature.

Notary Public.

I, Bernardpillai Joachimpillai, Notary Public, Jaffna Division do hereby certify and attest that the foregoing instrument was read over and 30 explained by me to the said Kathirgamar Veluppillai in the presence of Jacob Eustace of Karaiyoor and Visenthi Michael of the same place the subscribing Witnesses hereto, that I know all of them, and that the said executant and the Witnesses set their signature hereto in my presence and in presence of one another, all being present at the same time in my Office at Jaffna on the 13th day of November, 1909.

And I further certify and attest that the consideration mentioned in this instrument was not paid in my presence, that he acknowledged to have received the amount, that the Duplicate hereof bears a stamp of the value of Rs. 5/- and the Original a stamp of the value of Re. 1/- and that those stamps were bought and used by me.

A 17
Deed
No. 2689
Attested by
B. Joachim-
pillai
Notary
Public
13-12-09
—continued.

Date of Attestation :
13th December, 1909.

B. JOACHIMPILLAI/Signature.

Notary Public.

(Seal)

10 Translated by me.
(Sgd.) N. Subramaniam.
S. T. D. C. Jaffna.

A 18

Deed No. 2688

A 18

A 18
Deed
No. 2688
Attested by
B. Joachim-
pillai
Notary
Public
13-12-09

Appln. No. 71/10-1-56.

The Duplicate of this Deed bears two Stamps to the value of Rs. 2/50.

Translation.

No. 2688

20 Know all men by these Presents that I, Kathiramar Veluppillai of Vannarponnai East Execute and grant unto Kanapathy Kanthar of Karaiyoor deed of Assignment of Decree to wit :-

I appealed to the Supreme Court, Colombo against the decree entered against me in the action prosecuted by me under No. 5437 of the District Court of Jaffna wherein I am the Plaintiff and 1. A. E. Kedis of Pallai, 2. Ramu Vairavy, 3. Vairavy Thambiah, 4. Kathirgamar Sinnathamby and 5. wife Velasy, all of Vannarponnai East are the Defendants, and exclusive of the immovable property decreed as belonging to me as per the decree No. 364/1908 dated 5th October, 1909, I have this day assigned and conveyed unto the said Kanapathy Kanthar the cost of action in the aforesaid case No. 5437 of the District Court of Jaffna payable to me my the Defendants and the Costs of Appeal in the said Case No. 364/1908 of the Supreme Court together

A 18
Deed
No. 2688
Attested by
B. Joachim-
pillai
Notary
Public
13-12-09
—continued.

with all other Costs that could be recovered on account of those cases and have received the sum of Rupees five hundred (Rs. 500/-).

Therefore having agreed to the said Kanapathy Kanthar accepting and possessing the costs of action the aforesaid actions from this date for ever as his own and having hereby made over unto the said Kanapathy Kanthar the power belonging to me for recovering the same and having declared that I will not consent to do or cause to be done any acts prejudicial to this Deed of Assignment and that I shall execute and grant all such instruments and deeds as may be necessary for making the same valid, I have executed and granted this Deed of Assignment.

The Witnesses hereto are Jacob Eustace of Karaiyoor and Vairavy Karthigesu of Vannarponnai East. These being Witnesses I set my signature hereto in the Office of this Notary at Jaffna on the Thirteenth day of December, One thousand nine hundred and nine.

K. Veluppillai/Signature.

Witnesses :-

1. (Sgd.) Illegibly.
2. V. Karthigesu/Signature.

B. JOACHIMPILLAI/Signature.
Notary Public.

I, Bernardpillai Joachimpillai, Notary Public in the Jaffna Division, do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Kathirgamar Veluppillai in the presence of Jacob Eustace of Karaiyoor and Vairavy Karthigesu of Vannarponnai East the Subscribing Witnesses hereto that I know all of them and that the said executant and the Witnesses set their Signatures hereto in my presence and in the presence of one another all being present at the same time in my Office at Jaffna on the 13th day of December 1909.

And I futher certify and attest that the consideration mentioned in this instrument was not paid in my presence, that the amount was acknowledged to have been received, that the Duplicate, of this instrument bears two stamps to the value of Rs. 2/50 and those stamps were bought and used by me.

Date of Attestation :
13th December, 1909.

B. JOACHIMPILLAI/Signature,
Notary Public.

(Seal)

Translated by me.
(Sgd.) N. Subramaniam.
S. T. D. C. Jaffna.

A 6

Certificate of Death of Thangam, wife of Arumugaththan

A 6

A 6
Certificate
of Death of
Thangam
wife of
Arumugath-
than
28-12-10

(Certificate of Death)

Translation.

Application No. 1142

Ceylon

Certificate of Death.

In the Division of Mallakam, Jaffna District, Northern Province.

1. Date and Place of Death	: Twenty Eighth December, 1910 Alaveddy
2. Name in Full	: Thangam wife of Arumugaththan
3. Sex and Race	: Female, Tamil
4. Age	: Thirty two years
5. Profession or Occupation	: — — —
6. Names of Parents.	: Father : Nanniyan Sivalai Mother: Theivy, daughter of Poothan
7. Cause of Death, and place of Cremation or Burial	: Phneumonia Alaveddy
8. Name and Residence of the Informant, and of what right he gave the Infomation	: Eliyavan Arumugaththan, Husband, present at death-bed, Alaveddy
9. Signature of Informant	: E. Arumugaththan/Signature
10. When was it Registered	: Thirtieth December, 1910
11. Registrar's Signature	: S. Johnpillai/Signature Registrar of Mallakam

(Certificate to be written below).

I, T. Sam de Silva, Additional Assistant Provincial Registrar of Births and Deaths of the Jaffna District, do hereby certify that the foregoing is a true copy of the Original Register of Death of Mr. S. Johnpillai Registrar of the Mallakam Division of the Jaffna District filed in this Office and the same is granted on the application of Kanapathy Kanthan.

(Sgd.) Illegibly,
Addl. Asst. Provi. Registrar.

Provincial Registrar's Office,
Jaffna, 24th January 1929.

Translated by me :

(Sgd.) N. Subramaniam,
S, T. D. C. Jaffna.

A 4
Certificate
of Death of
Catherine
widow of
Caithar
8-5-15

A 4

Certificate of Death of Catherine, widow of Caithar.

A 4

Application No. 4727

Ceylon.

Certificate of Death.

No. 8141

Northern Province, Jaffna District, Locality No. 1
Jaffna Town Division.

1. Date and Place of Death	: Eighth May, 1915, Karayoor
2. Name in full	: Catherine widow of Caithar
3. Sex and Nationality	: Female, Tamil
4. Age	: Eighty five years
5. Rank of Profession	: — —
6. Names of Parents	: — Canthar — Cathirasi
7. Cause of Death, and Place of Burial or Cremation	: Old age St. Mary's Burial ground
8. Name and Residence of Informant, and in what capacity he gives Information	: Caithar Canthar Karayoor Son present at death
9. Informant's Signature	: K. Kantnar (Snd.)
10. When Registered	: Sixteenth May, 1915
11. Signature of Registrar	: (Sgd.) A. Symonds Registrar Locality No. 1

(Certificate to be written below).

I, Mudaliyar C. Canapathippillai, Assistant Provincial Registrar of Births and Deaths of the Jaffna District, do hereby certify that the foregoing is a true copy of the Original Register of Deaths of Miss A. Symonds, Registrar of the Locality No. 1, Jaffna Town Division of the Jaffna District, filed in this Office, and same is granted on the application of Mr. S. Aseervatham.

(Sgd.) CANAPATHIPPILLAI,
Assistant Provincial Registrar.

Provincial Registrar's Office,
Jaffna November 7, 1947.

14 R 3

Fiscal's Conveyance No. 2

14 R 3

No. 11362 D. C. J.

14 R 3
Fiscal's
Conveyance
No. 2
20-10-16FISCAL'S CONVEYANCE TO PURCHASER AFTER CONFIRMATION
OF SALE BY COURT.TO ALL TO WHOM THESE PRESENTS SHALL COME.
Greeting.

Whereas by virtue of a Writ of Execution issued from the District
10 Court of Jaffna in Case No. 11362 bearing date the 18th day of August,
1916, directed to the Fiscal of the Northern Province, whereby he was
directed to levy and make of the houses, lands, goods, debts, and credits,
of Sinnavy Kandiah of Vannarponnai East by seizure, and, if necessary,
by sale thereof, the sum of Rupees five hundred and twelve and cents
thirty eight, costs interest and charges

AND WHEREAS the Fiscal of the said Province did cause to be
seized and taken the property hereinafter described, which, after due
notice and publication in manner by law prescribed, was exposed to
public sale on the twentieth day of October, 1916, by S. Aiyampillai
20 Udayar of Vannarponnai west acting under the authority of the said
Fiscal, and was sold to Poothan Vayiravan of Vannarponnai west as the
highest bidder at the said sale, for the sum of Rupees thirty five
(Rs. 35/-),

AND WHEREAS the said Poothan Vayiravan has duly paid to the
said Fiscal the whole of the said purchase money, and thus became
entitled to a Conveyance to the said property,

AND WHEREAS the said Court by and order dated the 19th day
of December, 1916 copy of which is hereunto annexed, has duly
confirmed the said sale ;

80 NOW THESE PRESENTS WITNESS the Benjamin Horsburgh
Esquire, Fiscal of the Northern Province, in consideration of the said
sum of Rupees thirty five so paid by the said Poothan Vayiravan as
aforesaid, the receipt whereof the said Fiscal doth hereby acknowledge,
hath sold and assigned, and by these Presents doth sell and assign, unto
the said Poothan Vayiravan his heirs, executors, administrators
and assigns, all that right, title and interest of the defendant (Sinnavy
Kandiah). In an undivided $\frac{1}{8}$ (one-eight) share with its appurtenances of

14 R 3
Fiscal's
Conveyance
No. 2
20-10-16
—continued.

a piece of land situated at Vannarponnai west called Palluvilythoddam containing or reputed to contain in extent one lachcham Varagu Culture with house, palmyrah tree and coconut trees, bounded or reputed to be bounded on the east by the property of Annamma, wife of Dharamalinkam, north by lane, west by the property of Velupillai Kanapathipillai and brothers and sisters and south by the property of Ampalavanar Suppapillai, as described in the diagram or map annexed to these Presents, and marked 18.

TO HAVE AND TO HOLD THE SAME with their and every of their appurtenances, to him the said Poothan Vayiravan his heirs, 10 executors, administrators, and assigns, for ever.

IN WITNESS WHEREOF the said Fiscal hath hereunto subscribed his name at Jaffna this twenty fifth day of January, 1917.

(Sgd.)
Deputy Fiscal.

Witnesses :

1. (Sgd.).....
2. (Sgd.).....

Annexures.

Copy of order confirming sale of land.

20

Intd :
27-1-17

14 R 4
Deed
No. 5426
Attested by
V. Kumara-
samy
Notary
Public
5-2-7

14 R 4
Deed No. 5426

Translation.

Prior Registration
Jaffna D 22/157

Debt Bond.
Rs. 180/-
Land 1.

30

14 R 4

No. 5426.

Know all men by these presents that I, Mutty, daughter of Sinnavan of Vannarponnai west have executed and granted debt bond in favour of Pandaram Velupillai of the same place to wit :-

I have this day borrowed and received from him the sum of Rs. 130/- I do hereby promise to pay this amount unto him on demand with interest thereon at the rate of 12 per cent per annum after three years period from this.
Mortgage hereto :-

14 R 4
Deed
No. 5426
Attested by
V. Kumara-
samy
Notary
Public
5-2-17
—continued.

Land belonging to me by right of transfer deed dated 30th January, 1917 and attested by this Notary attesting these presents under No. 5410 and by right of Transfer deed dated the 20th day of June, 1904 and attested by S. K. Abraham, Notary Public under No. 915 executed in 10 favour of my late father Kanthan Sinnavan and by right of purchase mudusom and possession situated at Vannarponnai west in the parish of Vannarponnai in the division and District of Jaffna of the Northern Province called "Palluvilithoddam" in extent 15/16 lms. v. c. with palmyrah and cultivated plantations and shed and bounded on the east by the property of Annammah, wife of Tharumalingam north by lane west by the property of Velupillai Kanapathippillai and brothers and on the south by the property of Ambalavanar Suppahpillai. Of the whole hereof an undivided 7/8 share.

Having agreed to the said principal and interest being recovered 20 from the said land and having declared that we shall not cause or cause to be done any acts prejudicial to this and declared that the said land is not in any way alienated or encumbered and having delivered herewith the said 1st and 2nd deeds I have executed and granted this debt bond.

Witnesses hereto are Andiyappah Muttutamby of Vannarponnai west and Sinnavi Kandiah of the same place and these being as witnesses I have set my signature hereto and to all three copies of the same tenor and date as these presents at the residence of V. Kumaraswamy of Vannarponnai west on this fifth day of February one thousand nine 30 hundred and seventeen.

Witnesses :

1. (Sgd.) A. Muttutamby.
2. (Sgd.) S. Kandiah.

Mark of Muththy.

(Sgd.) V. KUMARASAMY,
Notary Public.

I, Viatilingam Kumarasamy, Notary Public do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Muththy daughter of Sinnavan in the presence of Andiyappar Muttutamby of Vannarponnai west and Sinnavi Kandiah of the same

14 R 4
Deed
No. 5426
Attested by
V. Kumara-
samy
Notary
Public
5-2-17
—continued.

place the subscribing witnesses hereto that I know all of them that the same was signed by the said Muththy and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Vannarponnai west on this 5th day of February, 1917 that the consideration expressed herein passed in my presence that the duplicate hereof bears one stamp of the value of 50 cts. and that the said stamp was supplied by me and errors were rectified.

Date of attestation :

5th February, 1917.

(Sgd.) V. KUMARASWAMY, 10

Notary Public.

(Seal)

I have received the principal and interest in full.

(Sgd.) A. Kathiravely

(Sgd.) V. Saravanamuttu,

(Sgd.) P. Velupillai.

On 5 cts. Stamp.

Translated by me :

(Sgd.) V. Sundram,

Sworn Translator,

District Court, Jaffna,

17-2-1956.

A 7

Certificate of Death of Vally, widow of Eliyavan.

A 7
Certificate
of Death of
Vally widow
of Eliyavan
8-7-19

A 7

Application No. 285

Ceylon.

No. 6417

Certificate of Death.

Northern Province, Jaffna District, Mallakam Division.

1. Date and Place of Death	: Eighth July, 1919 Alaveddy
2. Name in full	: Vally widow of Eliyavan
3. Sex and Nationality	: Female, Tamil
4. Age	: Seventy five years
5. Rank or Profession	: — —
6. Names of Parents	: Sivalai Nannian — Vairavy
7. Cause of Death, and Place of Burial or Cremation	: Dropsy Savaranai Alaveddy
8. Name and Residence of Informant, and in what capacity he gives Information	: Eliyavan Arumugam Alaveddy Son present at death
9. Informant's Signature	: E. Arumugam/Signature
10. When Registered	: Twelfth July 1919
11. Signature of Registrar	: (Sgd.) S. Sinnappah

(Certificate to be written below).

I, Mudaliyar C. Canapathippillai Assistant Provincial Registrar of Births and Deaths of the Jaffna District, do hereby certify that the foregoing is a true copy of the Original Register of Death of Mr. S. Sinnappah, Registrar of the Mallakam Division of the Jaffna District, filed in this Office, and the same is granted on the application of Mr. L. Bastiampillai.

(Sgd.) Illegibly,
Assistant Provincial Registrar.

Provincial Registrar's Office,
Jaffna January 16, 1948.

A 2

A 2
Certificate
of Marriage
of Philip
with
Mariamma
Issued by
the Catholic
Church
10-11-23

Certificate of Marriage of Philip with Mariamma.

Certificate of Marriage.

Name of Bridegroom : Philip.

Name of Bride : Mariamma.

Bridegroom's Father : Philip Pavilu.

Bridegroom's Mother : Jovau Anapillai.

Bride's Father : Ilayavy Arumugam.

Bride's Mother : Vellayar Thangam.

Date of Marriage : 10th November, 1923.

10

Witnesses : Santia Joseph and Davidu Sebaden,

(Sgd.) N, PERERA, O.M.I.,
Miss. Apost.

I, the undersigned Missionary Apostolic, do hereby certify that the foregoing is a true extract from the Register of Marriage of St. Mary's Cathedral Church, Jaffna.

Given at Jaffna on the 21st day of November, 1955.

(Sgd.) Illegible,
Miss. Apost.

A 1

A 1
Deed
No. 11567
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23

Deed No. 11567

20

A 1

Appln. No. 2706/4-11-55.

Duplicate bears three stamps to the value of Rs. 57/-.

Translation.

Prior Registration Jaffna, D. 29/144,

Dowry :

Land 1

Rs. 4000/-

No. 11567.

Know all men by these presents that I, Kanapathy Kanthar of Karaiyoor, Jaffna, have executed and granted unto Mariammah 30

Sellammah, daughter of my Maithunar (cousin) Eliathamby Arumugam of the same place, dowry deed to wit :-

A 1
Deed
No. 11567
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23

For and in consideration of the love and affection which I have and bear unto her and consideration of her forth coming marriage with Pavilu Philip of Vannarponnai east I do hereby make over and convey unto her said Mariammah Sellammah by way of dowry the under-mentioned properties in addition to the properties devolved on her by right of Urumai from her mother.

Those properties are :-

Land belonging to me by right of purchase and possession as per the transfer deed executed in my favour on 30th April, 1903 and attested by A. M. Veluppillai, Notary Public under No. 613.

Situated at Karaiyoor in the parish of Chundikkuly in the Division of Jaffna in the District of Jaffna of the Northern Province called "Periyapulaththu Vayal" in extent 11 lms. p. c. and $3\frac{1}{2}$ kls. with house, well, palmyrahs and cultivated and spontaneous plants and bounded on the east by road, north by the property of Bastiampillai Benedict and shareholders, west by the property of Joseph Cherubim and shareholders and south by the property of Anthonippillai Johnpillai. The whole of this is valued at Rupees three thousand (Rs. 3000/-).

Further the value of the jewels given by me to the said Mariammah Sellammah for her use is Rupees one thousand (Rs. 1000/-). The total value of the aforesaid immovable and movable properties is Rupees four thousand (Rs. 4000/-). Therefore having agreed that she may accept, possess and enjoy these properties from this date for ever as her own dowry properties, having bound that if she were to die issueless leaving behind these properties the same shall devolve on her Father Eliathamby Arumugam of Alaveddy and having delivered the aforesaid deed herewith. I have executed and granted this dowry deed.

NOW KNOW ALL MEN BY these Presents that We the said Mariammah Sellammah and Pavilu Philippu have accepted this dowry deed with gratitude and in testimony thereof set our signatures thereto.

In witness whereof we set our signatures hereto in the presence of the undersigned witnesses in the house of the executants at Karaiyoor on

A 1
Deed
No. 11567
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23
—continued.

the twelfth day of November, One thousand nine hundred and twenty three.

K. Kanthar/Signature.

(Sgd.) Illegibly

Mariamamah Sellappammah/Signature.

Witnesses :

1. S. Manaval/Signature.
2. S. Kandiah/Signature.

B. JOACHIMPILLAI/Signature,
Notary Public.

I, Bernardpillai Joachimpillai, Notary Public in the Division of Jaffna do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Kanapathy Kanther and to Mariammah Sellappammah who signed as the 3rd and to Pavilu Philippu who signed as the 3rd in the presence of Santiago Manaval of Vannarponnai east and Sinnavy Kandiah of the same place the subscribing witnesses hereto that I know all of them, and that the executants and the witnesses set their signatures hereto in my presence and in the presence of one another all being present at the same time in the house of the executants at Karaiyoor on the 12th day of November, 1923. And I further certify and attest that the Duplicate of this instrument bears three stamps to the value of Rs. 57/- and the Original one stamp of the value of Re. 1/- and that before the foregoing instrument was read over and explained by me as aforesaid the errors therein were rectified by me.

B. JOACHIMPILLAI/Signature,
Notary Public.

Date of Attestation :

12th November, 1923.

(Seal)

Translated by me :

(Sgd.) M. Subramaniam.

S. T. D. C. Jaffna.

4 R 9

Deed No. 11566

The Duplicate bears Three Stamps to the value of Rs. 16/-

Translation.

4 R 9
Deed
No. 11566
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23

Transfer Deed

Rs. 1000/-

Lands—2

No. 11566

Know all men by these presents that I, Elyathamby Arumugam of
10 Alaveddy executed deed of transfer of lands in favour of Kanapathy
Kanther of Karayoor to wit :-

The land held and possessed by me by right of purchase and
partition under and by virtue of the deed of transfer executed in my
favour dated 13th December, 1909 attested by this Notary under
No. 2689 and described as follows :-

1. Land situated at Vannarponnai East in the parish of Vannar-
ponnai in the Division and District of Jaffna Northern Province called
“ Uvaiaddy ” in other parcels in extent Three lachchams varagu culture
(3 Lms. v. c.) with cultivated and spontaneous plants, and bounded on
20 the property of S. M. Rasasooriar, north by bye-lane, west by the land
of Nagamuthu Vaithilingam and south by the property of Kanther
Kathiravelan; the whole hereof.

The land held and possessed by me by right of purchase as per the
Final Partition Decree entered in Partition Case No. 9511 of the District
Court of Jaffna allotted to me absolutely and in my possession and
described as follows :-

2. Land situated at do. called “ Uvaiady ” and other parcels in
extent Nil with cultivated and spontaneous plants and bounded on the
east and west by the property belonging to the transferee hereof, north
30 by bye-lane, and south by the property of Kanthappar Sittampalam and
others, the whole hereof.

I have this day sold and transferred the aforesaid two parcels of
lands unto the said Kanapathy Kanther at in consideration of the price
of Rupees One Thousand (Rs. 1000/-) and have received the said amount.
Therefore having delivered to the said Kanther the possession of the said
lands to enable him to hold and possess the same as his own purchase
properties hereafter forever, and declaring that I shall forever warrant

4 R 9
Deed
No. 11566
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23
—continued.

and defend title of the said lands unto the transferee, I have executed this deed of transfer.

In witness whereof I the said executant in the presence of the witnesses subscribing hereinbelow at the residence of the transferee at Karayoor set my signature hereto on this Twelfth day of November, One thousand nine hundred and twenty three.

(Sgd.) E. ARUMUGAM,

Witnesses :

1. (Sgd.) S. Manavel.
2. (Sgd.) S. Kanthiah.

10.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

I, Benardpillai Joachimpillai, Notary Public within Jaffna Division do hereby certify and attest that I read over and explained the foregoing instrument to the said Elyathamby Arumugam the executant hereto in the presence of Santhiagu Manuvel and Sinnavy Kanthiah of Vannarponnai East, the subscribing witnesses hereto, that I know all such persons, that the said executant and the witnesses in my presence and in the presence of one another all being present at the same time at the residence of the transferee hereof at Karayoor set their Signature hereto on this 12th day of November, 1923.

I further certify and attest that the consideration herein expressed was acknowledged to have been received earlier, that the duplicate hereof bears three stamps to the value of Rs. 16/- and the original one stamp of Re. 1/- which were supplied by me.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

Date of Attestation :
12th November, 1923.

(Seal)

Translated by me :

30.

(Sgd.) S. Kandiah,
S. T. D. C. Jaffna.

3-1-56.

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of transfer made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

4 R 9
Deed
No. 11566
Attested by
B. Joachim-
pillai
Notary
Public
12-11-23
—continued.

Land Registry,
Jaffna, 23-12-1955.

4 R 22

10

Mortgage Bond No. 17105

4 R 22

Duplicate bears Three Stamps to the value of Rs. 14/-.

4 R 22
Mortgage
Bond
No. 17105
Attested by
B. Joachim-
pillai
Notary
Public
28-11-32

Translation.

Prior Regn : Jaffna.
D 66/37

Mortgage Bond
Rs. 1200/-
Land—1

No. 17105

20 Know all men by these presents that we, Vaithianather Sinniah and wife Sethuppillai of Vannarponnai East Jaffna executed mortgage bond in favour of Kanapathy Kanther of Karayoor to wit :-

We have this day borrowed and received from the said Kanther a sum of Rupees One thousand two hundred (Rs. 1200/-), we do hereby promise to pay on demand to the said Kanther or his heirs executors administrators and assigns the said sum of Rupees One thousand two hundred together with interest thereon at the rate of ten per cent per annum from this date and we hereby bind ourselves and our heirs executors and administrators for the due payment of this debt. But 30 if we pay the accruing interest on the said principal at the rate of nine per cent per annum once in six months and as the mortgagee is willing to accept such interest we hereby agree to pay the accruing interest as such. In default of our paying the said principal and interest as aforesaid the mortgage for the recovery thereof as follows :-

4 R 22
Mortgage
Bond
No. 17105
Attested by
B. Joachim-
pillai
Notary
Public
28-11-32
—continued.

The land held and possessed by our late daughter, Ponnammah, wife of K. Veerakathyar Sinnathurai by right of donation under and by virtue of the deed of donation granted in her favour dated 6th June, 1917 attested by S. Sabapathippillai, Notary Public under No. 9217 and on her death devolved on the 2nd named of us by way of inheritance and in our possession, and described in the schedule below.

Schedule referred to above.

Land situated at Vannarponnai East in the parish of Vannarponnai in the Division and District of Jaffna Northern Province called "Panankadu and Saruvichchikadu" in extent five Lms. v. c. and 9,3/8th 10 kls. with palmyrahs, cultivated and spontaneous plants and well and bounded on the east by road, north by the properties of Nagammah wife of Iledchumanar and Kasinather Kanapathippillai, west by the property of Kasinather Kanapathippillai and lane, and south by the land belonging to the 2nd named of us. Of this excluding the share of well and right of use of way and watercourse belonging to the southern boundary land, the whole of the remainder.

Having agreed for the recovery of the said principal and interest from the said land and its appurtenances, and declaring that we have every right to mortgage the said land, that the said land is not in any way encumbered or alienated, that we shall not consent to do or cause to be done any act adverse to this mortgage, and handing over the said deed annexed herewith, we have executed this mortgage bond.

In witness whereof we the said executants in the presence of the witnesses subscribing hereunto at our residence at Vannarponnai East set our signatures hereto on this Twenty eighth day of November, One thousand nine hundred and thirty two.

We the witnesses subscribing hereto declare that we know the executants and their proper names residence and occupation.

Mark of V. Sinniah.

30

Mark of Sethupillai.

Witnesses :

(Sgd.) Illegibly.

(Sgd.) Illegibly.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

I, Bernardpillai Joachimpillai, Notary Public within the Jaffna Division do hereby certify and attest that I read over and explained the foregoing to the said Vaithianather Sinniah and wife Sethuppillai both of whom set their marks hereto the executants hereto, in the presence of Vaithilingam Somasegaram of Vannarponnai East and Muthiah Somasuntharam of Town, the subscribing witnesses hereto, that the executants are not known to me but the witnesses who are known to me declared that they knew the executants, that the said executants and the witnesses in my presence and in the presence of one another all being present at the same time at the residence of the executants at Vannarponnai East set their signatures hereto on this 28th day of November, 1932. I further certify and attest that the consideration expressed herein was paid in my presence and that the duplicate bears three stamps of Rs. 14/- and the original one of Re. 1/ which were supplied by me and that the errors herein were rectified by me.

4 R 22
Mortgage
Bond
No. 17105
Attested by
B. Joachim-
pillai
Notary
Public
28-11-32
—continued.

(Sgd.) B. JOACHIMPILLAI,
Notary Public.

Date of Attestation :
20 28th November, 1932.

(Seal)

Translated by me :

(Sgd.) S. Kandiah.

S. T. D. C. Jaffna.

9-1-56

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

30

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 5-1-56,

4 R 24
Mortgage
Bond
No. 2797
Attested by
J. A. J.
Tissaveera-
singhe
20-7-36

4 R 24

Mortgage Bond No. 2797.

4 R 24

Appln. No. 5/3-1-56.

Duplicate bears One Stamp to the value of Rs. 10/-.

Prior Registration D 64/31.

Mortgage :

1 Land

Rs. 1000/-

No. 2797

10

Know all men by these presents that we (1) Cathiravelu Soosai-pillai and wife (2) Francisca Annamuttu both of Karaiyoor Jaffna hereinafter called and referred to as the mortgagors are jointly and severally held and firmly bound and do hereby acknowledge ourselves to be justly and truly indebted to Kanapathy Kanthar of Karaiyoor Jaffna hereinafter called and referred to as the mortgagee in the sum of Rupees One thousand of lawful money of Ceylon which we have this day borrowed and received of and from he said mortgagee and we hereof renouncing the *beneficium non Numeratae pecuniae* the meaning of which has been explained to us agree and undertake and bind our-²⁰ selves jointly and severally and our heirs, executors and administrators to pay the said sum of Rs. 1000/- and interest that might accrue thereon to the said mortgagee his heirs executors, administrators or assigns on demand and until such payment we engage and bind ourselves jointly and severally and our aforewritten to pay the interest on the said sum of Rs. 1000/- at and after the rate of ten per cent per annum with the condition that if interest is paid monthly from the date hereof within 10 days of Grace only nine per cent per annum shall be chargeable.

And for Securing on due payment of the said sum of Rs. 1000/- and interest which might accrue thereon we the said mortgagors do³⁰ hereby specially hypothecate and mortgage to and with the said mortgagee and his aforewritten by way the primary mortgage free from all encumbrances whatsoever the land fully described in the Schedule hereto annexed and belonging to us the said mortgagors by a Transfer deed dated 1st March, 1919 and attested by J. A. J. Tissaveerasinghe, Notary Public under No. 257 which said deed with other connected papers are herewith given and delivered over to the said mortgagee as further security.

■

The Schedule Referred to Above.

A piece of land called "Sithamparanathan tharai" in extent two lachchams of Varague culture with house, coconut trees, well and other appurtenances belonging thereto situated at Karaiyoor in the parish of Chundicully of the Divisional District of Jaffna of the Northern Province of the Island of Ceylon and bounded on the east by lane, north and west by the property of the heirs of the late Joseph Saverimuttu Punimanasingham and on the south by the property of Victor Johnpillai and registered in D 64/31.

4 R 24
Mortgage
Bond
No. 2727
Attested by
J. A. J.
Tissaveera-
singhe
20-7-36
—continued

10 In witness whereof we the said Mortgagors do hereby set our hand to this and to two others of the same tenor and date as these presents at Jaffna Town on this Twentieth day of July, One thousand nine hundred and thirty six.

Signed in the presence of us :-

(Sgd.) C. Soosaipillai.

This is the Signature of
Francisca Annamuttu.

1. (Sgd.) S. Christian.
2. (Sgd.) A. E. Tamber.

20 (Sgd.) J. A. J. TISSAVEERASINGHE,
Notary Public.

I, John Alexander Joseph Tissaveerasinghe, Notary Public of Jaffna do hereby certify and attest that the foregoing instrument having been read over and explained by me to (1) Cathiravelu Soosaipillai and wife (2) Francisca Annamuttu both of Karaiyoor Jaffna the mortgagors who are known to me the latter of whom has signed this deed in Tamil as "Chuna Runa Annamuttu" in the presence of Simon Christian and Alfred Edward Tamber both of Jaffna Town the subscribing witnesses hereto who are both known to me the same was signed by the said 30 mortgagors and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Jaffna Town on the Twentieth day of July, One thousand nine hundred and thirty six.

And I further certify and attest that the duplicate of this instrument bears a stamp of Rs. 10/- and the original a stamp of Re. 1/- and that the said stamp were supplied by me and that the full amount of the consideration expressed herein passed in my presence by way of discharge of previous bond and by cash and that before reading over as aforesaid in the duplicate in page 1 in line 12 the word "thereof"

•

4 R 24
Mortgage
Bond
No. 2797
Attested by
J. A. J.
Tissaveera-
singhe
20-7-36
—continued.

was deleted and in line 3 from the bottom the word "the" in present was altered into "of" and these corrections appear also in the original where in page 2 in line 6 the word "referred" being wrongly formed was corrected.

Date of Attestation :
20th July, 1936.

(Sgd.) J. A. J. TISSAVEERASINGHE,
Notary Public.

(Seal)

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify 10 that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 5-1-1956.

32 R 1
Deed
No. 2803
Attested by
J. A. J.
Tissaveera-
singhe
Notary
Public
31-10-36

32 R 1

Deed No. 2803.

32 R 1

20

Appln. No. 2946/29-11-55.

The Duplicate bears Nine Stamps of the value of Rs. 39/-.

Prior Registration D $\frac{121}{295}$

Transfer :
Land—1
Rs. 2100/-

No. 2803.

To all to whom these presents shall come Velupillai Mariampillai and wife Mathalena both of Karaiyoor Jaffna hereinafter called and 30 referred to as the Vendors.

Send Greetings.

Whereas the said vendors by a deed of Transfer dated 9th Decem-
ber, 1924 and attested by B. Joachimpillai, Notary Public under

No. 12134 and by Transfer deed dated 9th July, 1932 and attested by Mr. S. M. Abubucker, Notary Public under No. 1282 and the 2nd named vendor as legatee under the last will and Testament of her brother Kaviriyal Raphial are seized and possessed of the land fully described in the schedule hereto.

32 R i
Deed
No. 2803
Attested by
J. A. J.
Tissaveera-
singhe
Notary
Public
31-10-36
—continued.

And whereas the said Vendors have subject to the condition herein below contained regarding retransfer in favour of the said vendors their heirs executors or administrators or nominee or nominees agreed for the absolute sale and assignment to Kanapathy Kandar of Karaiyoor Jaffna hereinafter called and referred to as the vendee of the said premises intended to be hereby granted and conveyed free from encumbrances at the price or sum of Rupees Two thousand one hundred (Rs. 2100/-).

Now know Ye and these presents witness that the said vendors in pursuance of the said agreement and in consideration of the sum of Rupees Two thousand one hundred (Rs. 2100/-) well and truly paid by the said vendee (the receipt whereof the vendors do hereby admit and acknowledge) do hereby grant, convey, assign, transfer, set over and assure unto the said vendee his heirs, executors, administrators and assigns subject however to the condition regarding retransfer hereinafter contained, the land fully described and set forth in the schedule to these presents together with house, boutique, well and other appurtenances whatsoever to the said premises belonging or in any wise appertaining or usually held or enjoyed therewith or reputed to belong or be appurtenant thereto, and all the estate, right, title, interest, claim and demand whatsoever of the said vendors in to, out of, and upon, the said premises and every part thereof.

To have and to hold the said premises hereby granted and conveyed or expressed so to be unto the said vendee his heirs, executors, administrators, and assigns for ever subject however to the condition that the said vendee or his aforewritten shall retransfer and convey the said land to the said vendors or either of them or their aforewritten at the cost of the said vendors or their aforewritten if the said vendors or either of them or their afterwritten shall pay to the said vendee or his aforewritten interest on the sum of Rs, 2100/- at the rate of nine per centum per annum monthly from the date hereof and also pay the sum of (Rs. 2100/-) Rupees Two thousand one hundred within two years from the date hereof and further also pay all rates and taxes and costs of fencing and thatching the said land house and boutique standing thereon paid or incurred by the said vendee or his aforewritten up to the date of the said retransfer.

And the said vendors do hereby for themselves their heirs, executors and administrators covenant and agree with the said vendee his heirs executors, administrators and assigns that the said premises hereby conveyed are free from all encumbrances whatsoever made or suffered

32 R 1
Deed
No. 2803
Attested by
J. A. J.
Tissaveera-
singhe
Notary
Public
31-10-36
—continued.

by the said vendors or any person or persons lawfully claiming from under or in trust for them and that they now have a good right to grant and convey the said premises in manner aforesaid and that the said vendee his heirs, executors administrators and assigns, may at all times hereafter quietly enter into hold and enjoy the said premises without any eviction or interruption by the said vendors or any person or persons claiming through or in trust for them and that the said vendors their heirs, executors and administrators, shall and will warrant and defend the said premises and every part thereof, unto the said vendee his heirs, executors administrators, and assigns against any person or persons 10 whomsoever, and that the said vendors their heirs, executors and administrators and every person having or claiming any estate, right title, or interest in the said premises hereby granted and conveyed or any part thereof from under or in trust for the said vendors shall and will from time to time and at all times hereafter at the request and cost of the said vendees his heirs, executors, administrators or assigns do and execute or cause to be done and executed all such acts, and things, whatsoever for the further and more perfectly assuring the said premises and every part thereof unto the said vendee his heirs, executors, administrators, and assigns in manner aforesaid as shall or 20 may be reasonably required, all however subject to the retransfer aforesaid.

The Schedule above Referred to.

A piece of land called Thavasitharai in extent of the measured extent of 15,14/16 Kulies as per survey plan dated 18th February, 1932 and drawn by James de Neise, Licensed Surveyor with house, boutique, well and other appurtenances belonging thereto situated a Karaiyoor in the parish of Chundicully of the Division and District of Jaffna Northern Province Ceylon and bounded on the east by the property of Raphial Santhia, north by the property of the heirs of the late Elizabeth wife, of Pedro and west and south by roads and registered in D 121/295. 30

In witness whereof the said vendors have hereunto and to two others of the same tenor and date as these presents set their hands at Kankesanturai, Jaffna this thirty first day of October, One thousand nine hundred and thirty six.

This is the signature of

Sgd : (In Tamil)
V. Mariampillai.

This is the signature of

Sgd : (In Tamil)
M. Mathalena.

Witnesses :

1. Sgd : V. G. Thambyaiya.
This is the signature
2. Sgd : (In Tamil)
of S. Michal.

82 R 1
Deed
No. 2803
Attested by
J. A. J.
Tissaveera-
singhe
Notary
Public
81-10-86
—continued.

Sgd : J. A. J. TISSAVEERASINGHE,
Notary Public.

I, John Alexander Joseph Tissaveerasinghe, Notary Public of Jaffna do hereby certify and attest that the foregoing instrument, 10 having been read over and explained by me to Velupillai Mariampillai and wife Mathalena both of Karaiyoor Jaffna the vendors who are known to me and have signed this deed in tamil in the presence of Velupillai Gnanapirakesam Thambyaiya and Severimuttu Michal of Karaiyoor and Chundicully, Jaffna, respectively who are both known to me the subscribing witnesses hereto the latter of whom has signed this deed in Tamil and is also known commonly as Pasupathy the same was signed by the said vendors and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Kankesanturai Jaffna on the thirty first day of October, One thousand 20 nine hundred and thirty six.

And I further certify and attest that the duplicate of this instrument bears nine stamps of the value of Rs. 39/- and the original a stamp of Re. 1/- and that the said stamps were supplied by me and that out of the consideration the sum of Rs. 2050/- passed in my presence and that before reading over as aforesaid in the duplicate in page 3 in line 6 of the schedule the word " Karaiyoor " was deleted.

Date of Attestation :
31st October, 1936.

Sgd : J. A. J. TISSAVEERASINGHE,
Notary Public.

80

(Seal

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of transfer made from the duplicate filed of Record in this office and the same is granted on the application of Mr. S. Sivagnanam, Proctor of Changanai.

Sgd : K. DURAIAPPAH,
Registrar of Lands,

Land Registry,
Jaffna 6-12-1955.

4 R 13

Deed No. 19302.

4 R 13

The Duplicate bears Three Stamps to the value of Rs. 26/-.

Translation.

Prior Regn., Jaffna, D 124/97.

Mortgage Bond

Rs, 2800/-

Land—1

No. 19302.

10

Know all men by these presents that we, Thomas Mariampillai Anthony and wife Angalinappillai of Karayoor Jaffna executed mortgage bond in favour of Kanapathy Kanther of the same place to wit :-

We have this day borrowed and received from the said Kanther a sum of Rupees Two thousand eight hundred (Rs. 2800/-); we do hereby promise to pay on demand to the said person or his heirs, executors administrators and assigns the said sum of Rupees Two thousand eight hundred together with interest thereon at the rate of ten per cent per annum from this date and we hereby bind ourselves and our heirs executors and administrators for the due payment of this debt. But if we pay the accruing interest on the said principal the mortgagee is agreeable to accept such interest at the rate of nine per cent per annum we agree to pay such interest as aforesaid. In default of our payment the said principal and interest aforesaid mortgage for the recovery thereof as follows :-

The land held and possessed by us by right of dowry and purchases under and by virtue of the deed of dowry granted in favour of the 2nd named of us dated 23rd November, 1914 attested by this Notary under No. 5732 and the deed of transfer executed in our favour dated 19th August, 1927 attested by this Notary under No. 13693 and described in the schedule hereto annexed.

Schedule Referred to above.

Land situated at Karayoor in the parish of Chundicully in the Division and District of Jaffna Northern Province called "Kudyiruppu" in extent One and a half lachchams varagu culture (1, $\frac{1}{2}$ Lms. v. c.)

with stonebuilt house, well and cultivated plants, and bounded on the east by lane, north by the lands belonging to us and Samiel Rayappu, west and south by roads; of this an undivided half ($\frac{1}{2}$) with its appurtenances.

Having agreed for the recovery of the said principal and interest from the said land and its appurtenances, and declaring, that we have every right to mortgage the said land, that the said land is not in any way alienated or encumbered, that we shall not consent to do or cause to be done any act adverse to this mortgage, and handing over the said deeds annexed herewith, we have executed this mortgage bond.

In witness whereof we the said executant in the presence of the witnesses subscribing hereunto at our residence at Karayoor set our signatures hereto on this Eighth day of July, One thousand nine hundred and thirty seven.

(Sgd.) T. M. Antony.

(Sgd.) A. Angelina.

Witnesses :

1. (Sgd. J. T. Sinnathamby.
2. (Sgd.) V. Pilenthiran,

20

(Sgd.) B. JOACHIMPILLAI,

Notary Public.

I, Benardpillai Joachimpillai, Notary Public within the Jaffna Division do hereby certify and attest that I read over and explained the foregoing instrument to the said Thomas Mariampillai Antony and wife Angelinappillai the executants hereto, in the presence of Jovan Thaveethu Sinnathamby and Valory Pilenthiran of Karayoor, the subscribing witnesses hereto, that I know all such persons, that the said executants and the witnesses in my presence and in the presence of one another all being present at the same time at the residence of the executants at Karayoor set their signatures hereto on this 8th day of July, 1937, that the 2nd named executant set her signature hereto as "A. Angelina."

I further certify and attest that the consideration herein expressed was paid in my presence, and that the duplicate hereof bears three

4:R 18
Deed
No. 19302
Attested by
B. Joachim-
pillai
Notary
Public
8-7-37
—continued.

4 R 13
Deed
No. 19302
Attested by
B. Joachim-
pillai
Notary
Public
8-7-37
—continued.

stamps to the value of Rs. 26/- and the original one of Re. 1/- which were supplied by me.

Date of Attestation :

8th July, 1937.

(Sgd.) B. JOACHIMPILLAI,

Notary Public.

(Seal)

Translated by me ;

(Sgd.) S. Kandiah,

S. T. D. C. Jaffna,

10

9-1-56.

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,

Registrar of Lands.

Land Registry,

Jaffna, 5-1-1956.

4 R 17

Death Certificate of Kanthar.

4 R 17
Death
Certificate
of Kanthar
19-5-38

4 R 17

Ceylon

Certificate of Death.

No. 2823.

Northern Province Jaffna District Manipay Division.

1. Date and Place of Death	: Nineteenth May, 1938 Green Hospital Manipay
2. Name in full	: Kanapathy Kanthar
3. Sex and Race	: Male, Ceylon Tamil
4. Age	: Seventy one years
5. Rank or Profession	: Physician
6. Names of Parents	: — Kanapathy Kanthar Kannathai
7. Cause of Death, and Place of Burial or Cremation	: Nephritis Karaiyoor
8. Name and Residence of Informant, and in what capacity he gives Information	: Vythianathar Balasingam Manipay Hospital Inmate
9. Informant's Signature	: (Sgd.) V. Balasingam
10. When Registered	: Twenty fourth May, 1938
11. Signature of Registrar	: (Sgd.) N. Sinnathamby

I do hereby certify that the foregoing is a true copy of Death Registration entry filed of record in this office.

(Sgd.) Illegibly,
Addl. District Registrar,

District Registrar's Office,
Jaffna.

24th September, 1955.

4 R 14
Promissory
Note
granted by
Nanian
Vairavan
and others
19-6-38

4 R 14

Promissory Note.

4 R 14

Translation.

(V. M. Intled : In Tamil)

X thumb mark.

Chankanai,

19th June., 1938.

Rs. 1750-00.

Capital sum
borrowed
Rs. 1750.

Interest premium
or charges paid in
advance.

— Nil.

Rate of interest
per centum per
annum.

— 9.

We the undersigned Nanian Vairavan, Vellan Mari-10
muther and Nannian Sinnavan do hereby promise
to pay on demand to Kathireser Sabapathy Ponniah
of the same place the sum of Rupees One thousand
seven hundred and fifty borrowed for the expenses
in 605 Testamentary case, with interest thereon at
nine per cent per annum or his order jointly and
severally for value received. 20

() Mark of Sinnavan.

() Mark of M. Vairavan.

(Sgd.) In Tamil : V. Marimuthan.

Witnesses :

1. S. Sivagnanam (Sgd.)
2. S. Kathiresu (Sgd.)

Translated by :

(Sgd.) S. Kandiah,

Sworn Translator, D. C. J. 30

3-2-56

4 R 15

Promissory.

4 R 15

Translation.

Chankanai,

16th August, 1938.

4 R 15
Promissory
Note
granted by
Nanian
Vairavan
and
others
16-8-38

We the undersigned Nanian Vairavan, Velan
Marimuthan, Velan Vaithy of Sandilipay, Nannian
10 Sinnavan of Chankanai do hereby promise to pay
on demand to Sabapathy Ponniah or order the sum
of Rupees Two thousand five hundred (Rs. 2500/-)
which we have borrowed this day, with interest at
ten per cent per annum for value received.

Capital
Rs. 2500/-Interest
Ten per cent.

No deduction.

(Sgd.) V. Marimuthan.

(Sgd.) V. Vaithian.

Witness :

20 S. Arianayagam.

()

L. H. T. Impression of Nannian Vayravan.

()

L. H. T. Impression of Nannian Sinnavan.

()

L. H. T. Impression of Visuvan Kathiravelan.

()

L. H. T. Impression of K. Thangamutty.

(Sgd.) S. Sinnapillai,

(Sgd.) K. Ponney.

()

L. H. T. Impression of Pathan Kanapathy.

4 R 16
Dr. Mill's
Letter to
K. Nadarajah
20-8-38

4 R 16

Dr. Mill's Letter to K. Nadarajah.

4 R 16

Manipay,

20th August, 1938

Dear Mr. Nadarajah,

I am in receipt of your letter of the 10th instant. Thanks very much for same.

As I am too busy, I regret I cannot write at length but I can put it in a nut shell all what happend at the Hospital. I know Kanapathy 10 Kanthar of Karyoor who was admitted at the Manipay Hospital on the 18th of May and died there on the 19th May at about 2 p.m.

There was a great anxiety on the part of certain Ayadurai and Arumugam both of Karaiyonr to get a last will executed by the deceased bequeathing all the property to either of them. Ayadurai persuaded his utmost with the help of a Notary whom he brought from Jaffna to have the will written by the deccased and others but he could not succeed. I too at the instigation of Ayadurai tried to persuade the deceased on the 19th May, 1938 to make a will but he refused and said that he is not going to write to this people, but there are other 20 heirs at Changanai, namely Vairavaie and Sinnavan. You will be surprised to know even Dr. Chacko tried his utmost to persuade him to execute a will, but without any success.

Even after Kandar's death, the Ayathurai was lying in the Verandah of the Dispensary in the presence of the other workers in the staff, weeping and cursing the man he has not written a will on his favour.

When I see you personaly I will tell you every thing in detail.

I am Yours sincerely,

S. G. C. MILLS.

4 R 32

Journal Entries in D. C. Jaffna Case No. 605

Testamentary.

4 R 32

IN THE DISTRICT COURT OF JAFFNA.

No. 605/Testy.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54

In the matter of the Intestate estate of the late Kanapathy
Kanthar of Jaffna Town.....*Deceased*

Dead— Ilaiyavi Arumugam of Karaiyoor Jaffna Original Adminis-
10 trator

Chellammah wife of Philip of do

Administratrix *de Bonis non.*

Vs.

- Dead— 1. Chinnan widow of Murugan of Chankanai
 ,, 2. Nannian Chinnavan of do
 ,, 3. Nannian Vyraavan of Chandilippay
 4. Velan Marimuttu of do
 5. Velan Vaithian of do
 6. Murugar Ponnar and wife
 20 7. Ledchumi of Chankanai
 8. Pathan Kanapathy and wife
 9. Ponny of Chandilippay
 10. Visuvan Kathiravelan and
 11. wife Thangamuttu of do

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-8-54
—continued.

- Dead—
12. Peethar Vairavy and wife
 13. Muthi of Koddadi
 14. Maruchelin Anthonippillai of Kayts
 15. Sinnakkuddy Thambiah alias Savarimuttu of do
 16. Rasamany widow of Muttu of Karaiyoor
Original Respondents
 17. Arumugam Veerasingam and
 18. wife, Packiam, both of Uduvil
Substituted respondents in place of the
deceased 1st respondent 10
 19. Kanakaimuthy alias Rebecca widow of Anthonipillai
of Moolai Road Chundikkuli
Substituted respondent in place of the
deceased 15th respondent
 20. Sinnavan Kanapathy
 21. Sinnavan Aramugathan
 22. Vairavan Kanapathy
 23. Kanavathy Sellan and wife
 24. Seethai
 25. Sinnappodian Vally and wife 20
 26. Kuddy all of Changanai
Substituted respondents in place of the
deceased 2nd and 3rd respondents
 27. Vairavy Nallathamby and
 28. Vairavy Chelliah both of Keddady
 29. Ellupelai Sinnapody and
 30. wife Valliammai both of Suthumalai
Substituted respondents in place of the
deceased 13th respondent

[REDACTED]

Journal.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-8-54
—continued.

2-6-38 to 1-11-40. torn

20-1-41. MR. M. ASAIPILLAI for petitioner

MR. C. C. SOORASEGARAN for 1st added respondent

MR. M. VAITHILINGAM for 2nd respondent

MR. S. SIVAGANAM for 3—12 do

MR. NAVARATNAM for Thambiah

MR. S. T. NADARAJAH files proxy of 2nd added respondent
since Mr. Vaithilingam is dead

10 MR. V. S. NADARAJAH for 13 and 14th respondents
All the Proctors are present except Mr. Asaipillai.

That all agree that letters of administration be issued to
Elaivy Arumagam, Mr. Somasekaran's client leaving the question of
open giving the status as an heir.

Enter *Order Nisi* and publish in Gazette and a local paper
for 21-2.

(Intd.)
D. J.

27-1-41.

Order Nisi entered.

20 (Intd.)
D. J.

4-2-41.

M. Arulananthan the mortgage debtor on bond No. 19485
of 22-12-37 begs that Rs, 1800/- may be accepted in full
settlement of the principal and interest due on the bond
giving him a reduction of Rs. 116/-.

Notice petitioner and respondents to file their consent.

(Intd.)
D. J.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

4-2-41.

To Proctor for 1st added respondent moves that Deeds Nos. 19462, 19463, 11567 and 19619 marked A D1 to A D4 be returned to the 1st added respondent

.....and that matter of setting aside the will has been disposed of.

Allowed.

(Intd.)
D. J.

Received deeds

10

(Sgd.)

21-2-41.

Mr. Asaipillai for Petitioner

O/N is not issued

Publications due

Mr. C. C. Soorasegaran files.....& Gazette security & Oaths for 21/3

(Intd.)
D. J.

26-2-41.

The Commissioner of Estate Duty by his No. ED/291/K of 22-2-41 inquires how matter stood.

Inform him that letters of administration will be issued to Eliavy Arumugam, client of Mr. C. C. Soorasegaran on O/A. Security and oath being filed.

(Intd.)
D. J.

18-3-41.

The Proctor for 1st respondent who is the present petitioner states that there is a sum of Rs. 1500/- with³⁰ interest thereon at nine per cent per annum due to the estate from M. Arulananthem of Karayoor on Bond No. 19485 of 22-12-37 in favour of the deceased. He has applied to Court for a reduction of Rs. 116/- and to bring into Court a sum of Rs. 1800/- in full settlement of the amount due to the estate. The 1st added respondent and the present petitioner consents to accept this sum in full settlement.

He therefore moves for a deposit note be issued to the said Arulananthan to bring into Court the sum of Rs. 1800/- He files consent papers from Proctors for the respondents. File consent of 15th respondent.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

- (Intd.) *D. J.*
- 21-3-41. O/A Security and oaths due for 14/5.
(Intd.) *D. J.*
- 2-4-41. The Proctor for petitioner files consent of 15th respondent's Proctor and moves that his application of 18-3-41 be allowed.
Issue deposit note for Rs. 1800/-.
(Intd.) *D. J.*
- 10 29-4-41. Deposit note No. 21171 for Re. 1800/- issued to G. A., N. P.
(Intd.)
- 8-5-41. K. R. No. 286/85002 of 5-5-41 for Rs. 1800/- filed.
(Intd.)
- 20 14-5-41 Mr. C. C. Soorasegaran for present petitioner O/A Security and oath due for 18/6
(Intd.) *D. J.*
- 18-6-41. O/A Security and oath due for 30/7
(Intd.)
- 80 5-7-41. Commissioner of Estate Duty informs that the notice of assessment of estate duty has been issued on the executor and that the estate as assessed is Rs. 447-36 with interest therein at four per cent per annum from 19-5-39 to date of payment and on payment of the duty the certificate will be issued.
File,
(Intd.) *D. J.*
- 40

4 R 82
Journal
Entries
in D. C.
Jaffna
Case
No. 005
Testa-
mentary
20-1-41
to
2-8-54
—continued.

30-7-41.

O/A Security and oath due
for 10/9

(Intd.)
D. J.

27-8-41.

As there is a sum of Rs. 1800/- in deposit Proctor for
petitioner moves that a sum of Rs. 488-36 be paid to the
Commissioner of Estate Duty for estate duty and interest
due from 19-5-39. 10

(Intd.)
D. J.

29-8-41.

Amount in deposit	Rs. 1800/-
P. O. 30373 in favour of Commr. E. D.	488/36
	<hr/>
	1311/64

(Intd.)

5-9-41.

Commr. receipt for Rs. 488-36 filed

(Intd.) 20

5-9-41.

The Chairman, U. C. Jaffna informs that a sum of Rs 32/-
is due to the Council from the estate on account of
damages caused to the Council's electricity main at
Pachivali Road when felling a coconut tree on 18-3-38
and begs that this be included in the administration
account and if possible to see that this account is settled
early.

Refer to Proctor for petitioner for report.

(Intd.) 30
D. J.

10-9-41.

O/A Security and oath due
for 8/10

(Intd.)

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54

15-9-41.

Certificate received from Commissioner of Estate Duty.
Nett value is 44736/-

—continued.

(Intd.)

10

D. J.

25-9-41.

The Proctor for present petitioner moves that the
security be fixed. He submits that the amount due on
bonds will be deposited in court.
Secy. for report.

(Intd.)

D. J.

26-9-41.

Report.

20

The estate consists of movables of the value of
Rs. 19178/- and 1/6 of the immovable properties amount
to Rs. 4257/-. Security may be furnished in Rs. 23000/-

(Sgd.)

Secy.

8-10-41.

O/A Security and Oaths due
O/A filed—*vide* motion re security

Secy. report for 15/10.

30 15-10-41.

Report

(Intd.)

Only a sum of Rs. 1800/- has been brought to the
credit of the case and the other amount referred to in the
schedule is a property of the value of Rs. 1450/- but in the
motion the value is shown as of the value of Rs. 1100/-
which may be explained.

(Sgd.)

Secy.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

15-10-41.

Mr. C. C. Somasegaram for present petitioner *vide* Secy's
report re security.
Proctor for attention.

As the petitioner is entitled to 1/4 the security may be
fixed at Rs. 18000/-

(Intd.)
D. J.

22-2-42.

Security in Rs. 18000/- due
for 3/4. 10

(Intd.)
D. J.

3-4-42.

Security due
for 1/4.

(Intd.)
D. J.

1-4-42.

Security due
Oath filed *vide* motion
Report on 17/4. 20

(Intd.)
D. J.

4-4-42.

Report.
The bond is in order and may be accepted.
There is no objection to the issue of letters.

(Sgd.)
Secy. 30

17-4-42.

Letters due—for 22/5.

(Intd.)
D. J.



	21-4-42.	Letters issued.	(Intd.)	4 R 32 Journal Entries in D. C. Jaffna Case No. 605 Testa- mentary 20-1-41 to 2-3-54 —continued.
		Received letters. (Sgd.) C. C. SOMASEGARAM.		
	22-5-42.	C. C. Somasegaram for Petitioner: Inventory due for 26/6.	(Intd.)	
10	15-6-42.	Sinny widow of Murugan moves that the proxy granted by her to her Proctor Mr. S. T. Nadarajah be revoked, and cancelled.	(Intd.) <i>D. J.</i>	
		Notice Proctor.	(Intd.) <i>D. J.</i>	
	20-6-42.	D/N No. 35629 for Rs. 1000/- issued to C. Soosaipillai.	(Intd.)	
20	24-6-42.	Sinny widow of Murugan the 2nd respondent begs to withdraw the motion filed by her begging the Court to revoke the proxy granted by her to Mr. B. T. Nadarajah, Proctor. She states she was misled by one Arumugam of Hospital Road Jaffna and that she has ample confidence in her Proctor.	(Intd.) <i>D. J.</i>	
		File.	(Intd.) <i>D. J.</i>	
80	24-6-42.	Marypillai daughter of Nicholas by her letter of 23-6-42 states she owes the deceased a sum of Rs. 350/- out of which a sum of Rs. 250/- was paid in the presence of Notary Jisehempillai as the administrator refuses to accept the balance of Rs. 100/- he begs that the said Notary may be noticed and that premission may be granted to pay the balance Rs. 100/-.	(Intd.) <i>D. J.</i>	
40		Notice administrator.	(Intd.) <i>D. J.</i>	

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

26-6-42.

A163

Mr. C. C. Somasegaram for administrator
Inventory due—filed.
Report 17/7.

(Intd.)
D. J.

17-7-42.

1. Please explain why Rs. 150/- shown as rents accrued due at date of death of deceased is not shown in the inventory.

2. In the first page of the inventory the total of the addition is incorrect, it may be amended. 10

3. Why is the property item No. 44 shown at Rs. 1500/- whereas it is shown as the value of Rs. 1450/- in the statement.

(Sgd.)
Secy.

17-7-42.

Vide Secy's report above.
Proctor for attention 24/8.

(Intd.)
D. J. 20

29-7-42.

2nd respondent Sinny widow of Murugan the 2nd respondent files an affidavit and moves that the Proxy granted by her to her Proctor S. T, Nadarajah be revoked and cancelled.

Notice proctor for 24-8-42.

(Intd.)
D. J.

10-8-42.

The mortgage debt due to the estate shown under 30 item 6 of the inventory is Rs. 1500/- with interest thereon at twelve per cent per annum but if interest were paid quarterly at the reduced rate of nine per cent per annum the mortgagors swear that they paid Rs. 100/- about a month before the death of the deceased. Proctor for administrator files affidavit from S. Rajappu of Karayoor in proof of payment of Rs. 100/- out of interest and that there is now due Principal of Rs. 1500/- and balance interest of Rs. 965/- calculated at twelve per cent per annum and Rs. 698-75 calculated at nine per cent per annum.

The deceased died in May, 1938 and there was none to accept payment till letters were issued in April, 1942. Proctor for administrator submits that he settled the difference and has requested the mortgagors to pay Rs. 800/- for balance interest which works at ten per cent per annum and therefore the administrator moves for the sanction of Court to accept Rs. 2300/- viz Rs. 1500/- being principal and Rs. 800/- for balance interest in full settlement of the debt.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

10 The said bond is put in suit in D. C. Jaffna 17774 of this Court.

The administrator is authorised to accept Rs. 2000/- in full settlement.

(Intd.)
D. J.

13-8-42.

Notice to cancel proxy issued on Mr. S. T. Nadarajah for 24-8-42.

(Intd.)

20 14-8-42.

C. Soosaipillai returns deposit note issued to him in case No. 605 Testy. D. C. Jaffna, as he is arranging to settle the debt with the administrator.

Let the deposit note be cancelled and filed with the triplicate.

(Intd.)
D. J.

22-8-42.

Return to Notice—to cancel proxy received and filed.

30

24-8-42.

(Intd)

1. Proctor for attention to Secy's. report of 17-7-42.

2. Notice to cancel proxy granted by 2nd respondent to Mr. S. T. Nadarajah, Proctor served on him. He is present.....if costs due is paid.

3. Deficiency of stamps Rs. 7/- due on affidavit of 27-7-42 filed by Sinny.

Explanation filed.
F. R. and inform on 16/10.

(Intd.)
D. J.

40

4 R 82
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

9-10-42.

Proctor for administrator moves that the pro note shown under item 17 of the inventory be given to him to file action to recover the amount due. The said note is in court.

Return if filed in Court.

Received pro note.

(Intd.)

(Sgd.) C. S. SOMASEGARAM.

9-10-42.

10

Mr. C. C. Somasegaram for administrator.

The mortgage debt due to the estate shown item 13 of the of the inventory is Rs. 1000/- with interest thereon at ten per cent per annum but if the interest were paid monthly then at the reduced rate of nine per cent per annum. It is a fact that the bond dated 20-7-36 for Rs. 1000/- is novation of an older mortgage bond of 1-12-32 for Rs. 500/- with interest at twelve per cent per annum and the mortgagors offer to pay and settle the present debt of Rs. 1000/- with interest thereon at six per cent²⁰ per annum which comes to Rs. 1375/- and the administrator is willing to accept same in full settlement of the said debts and moves for sanction of Court to accept same. If calculated at nine per cent the amount would be Rs. 1562-50 and the difference is Rs. 187-50.

Sanctioned.

(Intd.)
D. J.

16-10-42.

Inventory is in order and may be accepted and a date³⁰ may be given to file account.

(Intd.)
D. J.

16-10-42.

Vide Secy's report above. Final account for 29-3-43.

Deficiency of stamp duty Rs. 7/- due from Sinny 2nd respondent—supplied.

(Intd.)

13-2-43.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

10

Under item 11 of the Inventory there is a sum of Rs. 507-50 and further interest from date of death of the deceased is due from Cecilia widow of Manuelpillai and she was sued in D. C. Jaffna 17775. There is now due about Rs. 700/- calculating interest at twelve per cent but the widow has no other means of paying except by re-mortgaging the land mortgaged and she wants a reduction. Proctor for administrator moves for sanction of Court to accept Rs. 550/- in full settlement of the principal and interest. The principal is Rs. 350/-.

File consent of respondents.

(Intd.)

D. J.

17-2-43.

20

Re order of 13-2-43 it is not possible to get consent from the 12 respondents and added respondents. If the Court considers reasonable to accept a sum of Rs. 350/- principal and Rs. 200/- for interest it might authorise the administrator to accept same in full settlement of the claim under item 11 of the inventory. The administrator thinks it beneficial to the estate to accept the said sum of Rs. 550/- in full settlement and therefore moves for sanction of Court to do so as the land may not fetch a higher price than Rs. 550/- at a public auction.

Comply with order of 13-2-43.

(Intd.)

D. J.

12-3-43.

30

The 51st land in the inventory was transferred to the deceased by deed No. 2803 of 31-10-36 with the condition that same should be re transferred by the deceased on the vendors. V. Mariampillai and wife Mathamma paying Rs. 2100/- and interest thereon at nine per cent per annum within two years of the date of the said transfer. Before the said period of two years expired the deceased died and the vendors are continuing in occupation of the land. The administrator sued the said vendors in D. C. Jaffna 35 of this Court for declaration of title and recover damages. The said land is valued at Rs. 2000/- by the Commissioner

40

4 R 82
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

of Estate Duty and the vendors are offering to pay Rs. 2500/- for the said land to be re transferred to them. The administrator is willing to accept Rs. 2500/- and transfer the said to the vendors and therefore moves for sanction of Court to do so.

File consent of respondents.

(Intd.)
D. J.

22-3-43.

D/N 36221 for Rs. 3000/- issued to Proctor for adminis-10
trator.

(Intd.)

29-3-43.

Mr. C. C. Somasegaram for petitioner.

F/A due

Consent of respondents to be filed

J. E. of 12-3-43.

Proctor moves in view of recovery cons. property.

S/O for F/A.

(Intd.) 20
D. J.

11-5-43.

D/N 42132 for Rs. 2800/- issued to T. N. Anthony of
Karayoor being the amount in 47 D. C. Jaffna due to
this estate.

(Intd.)

K. R. 44 of 12-5 for Rs. 2800/- filed.

(Intd.)

16-7-43.

D/N 47895 for Rs. 2000/- with P. O. 054389 for Rs. 200/- 30
in case No. 46 sent to G. A., N. P.

(Intd.)

27-7-43.

K. R. P/4 No. XE 129/21521 for Rs. 2000/- filed 30-8-43.

Mr. C. C. Somasegaram for Petitioner F/A due—
Administrator dead consent of respondents to be filed
J. E. of 12-3-43.

S/O for steps 25/10.

4 R 32
Journal
Entries
in D. C.
Case
No. 605
Testa-
mentary
21-1-41
to
2-3-54
—continued.
Jaffna

(Intd.)
D. J.

25-10-43.

10 Administrator dead—steps due on 22/11.
Proctor is unwell.

(Intd.)
D. J.

28-10-43.

20 V. Marimuttu states that he is the legatee of the last
will left behind by the 2nd respondent in the above case.
The case has been pending in Court for the last 5 years
and parties are dying one after the other. The petitioner
is also dead. He begs that the matter be expedited for
early disposal as he fears the proceedings will drag on
unless orders are made for early hearing.

Mention on 22-11-43.

(Intd.)
D. J.

22.11-43.

Mr. C. C. Somasegaram for petitioner

1. Steps due—Administrator dead proxy petition and affidavit filed.
2. Vide J. E. of 28-10-43
O/N returnable 20/12.

30

(Intd.)
D. J.

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No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

4-12-43.

Asst. C. I. T. forwards notice under Section 81 of the Income Tax Ordinance for Rs. 511-08 being Income Tax for the years 1938/39, 39/40 payable by late E. Arumugam

Administrator of the estate of the late Kanapathy Kanthan.

Write to Proctor—Call on 7-12-43.

(Intd.)
D. J.

6-12-43.

10

O/N issued on 1—16 respondents for 20-12-43.

(Intd.)

7-12-43.

Mr. C. C. Somasegaram for administrator

To call vide J. E. of 4-12-43

I hear Mr. Somasegaram

Let a sum of Rs. 511-10 out of money in Court remain in deposit to be made available to the Commissioner of Income Tax.

Mr. Somasegaram submits that if payment is 20 made it may be made under protest.

(Intd.)
D. J.

7-12-43.

Letter to Commissioner Income Tax.

(Intd.)

20-12-43.

Mr. C. C. Somasegaram for administrator

Vide J. E. of 22-11-43

1. O. N. served on respondents 3—5 8—14 and 16. 30

2. O. N. not served on 15th respondent. He is reported dead. Steps if necessary for 14-2-44.
3. O. N. not served on 1 and 2 respondents as they are reported dead. Proctor for steps if necessary. Steps for 14-2-44.
4. O. N. not served on 6 and 7 respondents. The issues for 14-2-44.

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Journal
Entries
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

(Intd.)
D. J.

10 29-12-43.

The Commissioner of Income Tax by his No. A 6155 of 12-12-43 requests that an order of payment for Rs. 511-08 be sent to him early.

He also states that it is noted that payment order is made under protest and that a notice under Section 81 will be issued shortly for a sum of Rs. 346-35 being tax due for 1940/41 which become due on the 20th instant.

Pay Rs. 511-08.

(Intd:)
D. J.

20

3-1-44.

Amount in deposit	Rs. 9137-84
O/P 66785	511-08
	8626-76

13-1-44.

The Proctor for petitioner files his appointment as Proctor for Sinnavy Arumugam together with the petition and affidavit and Last Will of Sinny widow of Murugan and for reasons stated therein moves that the petitioner be substituted in the room of the 2nd added respondent.

80

Pay deficiency of stamp duty Rs. 5-75 on the Last Will and move.

(Intd.)
D. J.

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Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

20-1-44.

The Proctor for petitioner tenders stamps to the value of Rs. 5-75 and moves that his application dated 13-1-44 be allowed.

The will has to proved in a separate action.

(Intd.)
D. J.

22-1-44.

O/N re issued on 6 and 7 respondents.

(Intd.) 10

24-1-44.

Receipt from Commissioner of Income Tax for Rs. 511-08 filed.

(Intd.)

24-1-44.

Asst. Commissioner of Income Tax forwards notice under Section 81 of the Income Tax Ordinances for Rs. 346-35 being Income Tax for the year 1940/41 payable by the late Mr. E. Arumugam administrator of the estate of the late Kanapathy Kanthar.

20

Write to Proctor—Call on 13-1-44.

(Intd.)

25-1-44.

Proctor written to.

(Intd.)

31-1-44.

Mr. C. C. Somasegaram for administrator.

Case called re entry of 26-1-44.

Mr. Somasegaram re money—call on 14/2.

(Intd.) 80



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Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

14-2-44.

Case called.

1. Vide entry above J. E. of 24-1-44 to be men-
tioned.

2. For steps re 1 and 2 respondents dead.
Steps for 17-3-44.

3. O/N not served on 6 and 7.

Reissue for 17-3-44—petitioner to point out.

(Intd.)
D. J.

10 23-2-44.

O/N reissued on 6 and 7 respondents for 17-3-44

(Intd.)
D. J.

7-3-44.

The Commissioner of Income Tax wishes to know
when he may except to receive a remittance on the
certificate issued under Section 81 on 20-1-44.

Call on 23-3-44.

(Intd.)
D. J.

20 13-3-44.

To call repayment of a sum of Rs. 346-35 being Income
Tax for the year 1940/41 payable by the late E. Arumugam.

Call on 17-3-44.

(Intd.)
D. J.

17-3-44.

Mr. C. C. Somasegaram for administrator.

1. Steps re 1 and 2 respondents dead due comply
with order on 20-1-44.

2. O/N not served on 6 and 7 respondents—petitioner
has not pointed out according to the Fiscal's report.

See consent of Proctor of 6 and 7 respondents.

3. To call re J. E. of 13-3-44.

Mr. Somasegaram says that this amount may be
remitted but his protest may be recorded.

It is brought to the notice of Court that 15th res-

4 R 82
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mentary
20-1-41
to
2-3-54
—continued.

pondent is dead. Let Mr. Somasegaram file papers for substitution of 15th respondent of 31/3,

28-3-44.	(Intd.)	D. J.
	Amount in deposit	Rs. 8626-76
	C. I. T.	346-35
		<hr/>
		8280-41
28-3-44.		

P. O. 66947 for Rs. 346-35 sent to C. I. T. with Memo 10 No. 605 of 28-3-44.

31-3-44.	(Intd.)
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Mr. Somasegaram to file papers for substitution of heirs of the 15th respondent dead.

Steps for substitution of heirs of 2nd and 15th respondents for 21/4.

14-4-44.	(Intd.)
----------	---------------

Receipt for Rs. 346-35 from Commissioner Income 20 Tax filed.

21-4-44.	(Intd.)
----------	---------------

Mr. C. C. Somasegaram for administrator.

Steps for substitution of heirs of 2nd and 15th respondents due.

Mr. Somasegaram files petition and affidavit of the present petitioner and moves that the 1st and 2nd substituted respondents be substituted in place of the deceased 1st respondent and the 3rd substituted respon-30



dent be substituted in the record in place of the deceased 15th respondent and further moves that the O/N be entered.

4 R 42
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Entries
in D. C.
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mentary
20-1-41
to
2-3-54
—continued.

Let substitution be affected accordingly. Issue O/N for substitution returnable 26/5.

(Intd.)
D. J.

17-5-44.

10 The Proctor for petitioner submits that his application of 21-4-44 is under Section 398 C. P. C. and substitution was effected under that Section.

Hence no fresh *Order Nisi* for substitution is necessary. He also submits that when the *Order Nisi* for issue of Letters of Administration de bonis non is served on the substituted respondents. They may under the proviso to 398 object that they or anyone of them is not the legal representative. He moves that his application of 21-4-44 be allowed in terms of Section 398 C. P. C. He further moves that he may be heard in support of his application.

Support.

20 (Intd.)
D. J.

26-5-44.

Mr. C. C. Somasegaram for petitioner.

O/N not issued.

I hear Mr. Somasegaram.

O/N need not be entered—not issued.

Under Section 398 of the Code substitution may be effected and party substituted may be noticed with regard to the application for issue of Letters de bonis non.

80 (Intd.)
D. J.

4 R 82
Journal
Entries
in D. C.
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Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

30-5-44.

O/N issued for letters de bonis non issued on 1 to 3 substituted respondents for 30-6-44.

(Intd.)

13-6-44.

Asst. Commissioner of Income Tax forwards notice under Section 81 of the Income Tax Ordinance for Rs. 1485/- being the amount for Income Tax for the year 1943/44 and 1942/43 payable by Mr. E. Arumugam as administrator of the estate of late Mr. Kanapathy 10 Kanthar.

Call on 16-6-44. Inform Proctor for petitioner accordingly.

(Intd.)

D. J.

13-6-44.

Proctor informed.

16-6-44.

Case called.

Vide J. E. of 13-6-44.

20

Proctor and administrator absent.

Notice administration for 10-7-44.

(Intd.)

D. J.

Later

Mr. Somasegaram is present. He explains. He says that the present petitioner Chellammah has not yet been served letter de bonis non. The original administrator is dead. Proceedings are being taken to appoint Chellammah as administratrix de bonis non. He says he will communi-30 cate with the Commissioner of Income Tax on the matter. Order to issue notice on the administratrix is vacated.

Call case 30.6-44.

(Intd.)

D. J.



27-6-44.

Return to D/N received and filed.

30-6-44.

Vide J. E. dated 16-6-44.

Notice of *Order Nisi* served.

3 substituted respondents—They are absent.

Chellammah is appointed administratrix de bonis non.

O/N is made absolute.

Security bond and oath for 28-7-44.

10

(Intd.)
D. J.

Proctor says that he will communicate with the Commissioner of Income Tax claimed.

That matter will be considered on 28/7.

(Intd.)
30-6-44.

4-7-44.

D/N 66168 issued for Rs. 1400/-.

(Intd.)

20 13-7-44.

The President J. M. I. S. by his letter of 5-7-44 submits that a shed belonging to a different party has been erroneously entered in the schedule. He states that the shed in question is the property of a society called the Jaffna Mutual Improvement Society of which the late K. Kanthar was president and it was erected with the late president's full consent and approval free of rent and any tax. He therefore moves that permission be granted

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Journal
Entries
in D. C.
Jaffna
Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

4 R 82
Journal
Entries
in D. C.
Jaffna
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mentary
20-1-41
to
2-3-54
—continued.

to remove the said shed from the late Kanthi's compound at Pachchuvali Road, Jaffna.

The writer is referred to his legal remedy, if so advised.

(Intd.)
D. J.

17-7-44.

The Commissioner of Income Tax wishes to know when he may expect to receive a remittance in settlement of the notice issued on 9-6-44.

Inform the position—call on Bench. 10

(Intd.)
D. J.

20-7-44.

K. R. No. 746 dated 14-7-44 for Rs. 1400/- received and filed.

24-7-44.

Mr. C. C. Somasegaram for petitioner.

To call vide J. E. of 17-7-44.

Let Mr. Somasegaram to appear and explain the position regarding Income Tax on 31-7-44. 20

(Intd.)
D. J.

26-7-44.

The Proctor for petitioner submits that the total value of moveables is Rs. 19179-92—*Vide* Inventory filed of record out of which a sum of Rs. 11000/- had been deposited in Court and Rs. 2000/- paid to the original petitioner Sabasty Ayadurai in terms of the settlement order of 6th May, 1940 Receipt from him filed marked letter A. Further the bond shown under item 2 of the Inventory had been put in suit in case No. 17776 of this Court and the mortgage land bought by the administrator in satisfaction of the debt of 1390/-. He would estimate the amount of stamps and costs for these proceedings and about 10 recovery cases between Rs. 2500/- and Rs. 3000/-.

Hence the balance to be recovered and the value of move-ables will not exceed Rs. 2500/-. He therefore moves that the Court be pleased to sanction the present petitioner Chellammah applicant for letters of administration de bonis non, furnishing landed security in Rs. 5000/- for continuing the proceedings.

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mentary
20-1-41
to
2-8-54
—continued.

Security fixed at Rs. 5000/-.

(intd.)

D. J.

10 28-7-44.

Mr. C. C. Somasegaram for administratrix.

Security bond not filed—oath of office not filed.

For above purpose for 25-8-44.

(Intd.)

31-7-44.

Vide J. E. dated 24-7-44.

Mr. Somasegaram says that he has written to the Commissioner regarding the Income Tax and he has not received a reply from him.

20 Call on 25-8-44. regarding the matter of Income Tax as well.

(Intd.)

D. J.

4-8-44.

The Commissioner of Income Tax by his No. A. 6155 of 1-8-44. Invites attention to his letter No. A. I. 6155 of 9-6-41.

30 Inform him that Mr. C. C. Somasegaram, Proctor for Petitioner states that he has written to him regarding the Income Tax and that he has not received any reply from him. Also inform him that the case will be called on 25-8-44 regarding the Income Tax.

(Intd.)

D. J.

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Entries
in D. C.
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Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

18-8-44.

The Commissioner of Income Tax by his letter No. A. I. 6155 of 12-8-44 requests that the notice issued on 9-6-44 be endorsed as withdrawn.

Note and filed.

(Intd.)
D. J.

25-8-44.

Mr. C. C. Somasegaram for executrix.

Security bond and oath of office—not filed. 10

Proctors absent.

Notice petitioner for 26-9-44.

(Intd.)
D. J.

Later

Mr. Somasegaram files oath of office.

Security for 1-9-44. Cancel order to issue notice on petitioner.

(Intd.)
D. J. 20

1-9-44.

Case called.

Security bond is not filed—Later security bond filed.

Issue letters de bonis non and D/A for 1-12-44.

(Intd.)
D. J.

14-9-44.

Letters entered.

Letters received.

(Intd.) 30

15-11-44.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

10

Mr. V. S. Somasunderam files proxy of V. Mariam-pillai and wife Mathahena and submits that the 51st land in the Inventory was transferred by them to the deceased by Deed No. 2803 of 30-10-36 with the condition that the same should be retransferred by the deceased on the Vendors paying Rs. 2100/- and interest thereon at nine per cent per annum within two years of the said date of the said transfer. Before the said period of two years expired the deceased Kanthar died and the vendors are continuing in occupation of the said land. The administrator Arumugam sued the said vendors in case No. 35 of this Court for declaration of title and to recover damages. The said land is valued at Rs. 2000/- by the Commissioner of Estate Duty and the vendors offered to pay Rs. 2500/- for the said land to be transferred to them. *Vide* motion of the administrator under J. E. of 12-3-43 and the said vendors were ordered to notice the respondents. The administrator is now dead and his daughter Chellammah has been appointed administratrix de bonis non who is also willing to accept the sum of Rs. 2500/- to be deposited in the case and to retransfer the said land to the said vendors with the sanction of and authority of this Court. He therefore moves to notice the respondents or file their consent as ordered on 12-3-43 for obtaining a retransfer of the said land.

20

Vide order.

(Intd.)
D. J.

80

Order.

Vide D. C. 35 wherein the plaintiff is dead. No steps seem to have been taken by the administratrix to proceed on with that suit although it was fixed for an *exparte* hearing during the life time of the plaintiff in that suit. The heirs of the deceased in this Testamentary suit are all majors. If the heirs are willing to hand back the land to Mr. Somasunderam they are at liberty to do so. The Court's permission is not necessary.

40

(Intd.)
D. J.

4 R 82
Journal
Entries
in D. C.
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Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

1-12-44.

Final account.

Mr. Somasegaram for administratrix de bonis non states that the dispute in respect of the payment of Income Tax has not yet been concluded and connected recovery case No. 286 of this Court is fixed for trial on 21-2-45 and two other recovery cases are yet pending. He therefore moves for a date in the latter part of March, 1948 to file the Final account in this case.

F. A. for 16-5-45.

10

(Intd.)

D. J.

15-2-45.

Mr. M. R. Karalasingham, Proctor for executor moves that the last will of the late Sinny, widow of Murugam attested by him and filed of record be returned to him as the same is required to obtain Probate. He also moves that the sale of the land at Karayoor be delayed till his client who is entitled to a half share of the estate is granted probate.

20

Why was this last will produced in this case.

(Intd.)

9-4-45.

Re the above query the Proctor for executor explains that he filed the will to claim this beneficiarie's share in the estate and that the executor was referred to file testamentary case and that papers were filed with the will stating the reasons.

Call case.

(Intd.)

30

12-4-45.

Case called.

Mr. Karalasingham says that the Last Will No. 375

is one left to Sinny, one of her heirs. He wants this will to have it admitted to probate.

Return this will.

(Intd.)
D. J.

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No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

25-7-45.

D/N 66919 for Rs. 2500/- issued.

13-8-45.

K. R. No. 486/34732 for Rs. 2500/- filed.

10 10-12-45.

Mr. C. C. Somasegaram files bill of costs and moves that the same be taxed.

Tax.

(Intd.)
D. J.

21-2-46.

Bill taxed at Rs. 3635-35.

(Intd.)
Secy.

20 1-4-46.

Mr. C. C. Somasegaram for administratrix moves that commission due to administratrix be fixed taking into consideration the amount of trouble involved.

A. Contesting a forged Last Will.

B. Recoveries in 17 cases—10 cases filed.

C. Answering queries of Income Tax Dept.

Expenses incurred in contesting Will and in recovery cases will be debited against estate unless the Testamentary Duty is paid up. Considering the long delay in administering Will, matter disposed of in 1945.

30

I think one and a half per cent, a generous commission to be allowed. It is allowed.

(Intd.)
D. J.

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No. 605
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mentary
20-1-41
to
2-3-54
--continued.

5-7-46.

Mr. S. Sivaganam for 3—12 respondents moves that the case be restored to Trial roll as the question of heirship in the above case has not been decided yet.

Why has not F/A been filed yet in this case.

File F/A and move 31/7.

(Intd.)
D. J.

31-7-46.

Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 respondents. 10

Case called—*vide* order of 5-7-46.

Final account not filed yet-

Final account filed with receipts. Secy's report 21/8.

(Intd.)
D. J.

Secretary's report on F/A. There are no minors in this case. C. C. may report if there is any.

Deficiency of stamp duty in this case.

After C. C.'s report the respondents may be noticed to pass the Final account. 20

(Intd.)
Secy.

21-8-46.

Mr. C. C. Somasegaram for administratrix.

M. S. Sivagnanam for 3—12 respondents.

Secretary submits his report.

C. C. to report on deficiency of stamp duty on 3/10.

C. C. report def. also 3/10.

(Intd.)



27-8-46.

One Arumugam and another complain that this case is going on since 1938 and that there is considerable incomes from the estate and that the parties interested are enjoying the income and request that regular steps be taken and that no unnecessary delay is caused by the interested parties.

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mentary
20-1-41
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—continued.

No address furnished—file.

(Intd.)
D. J.

10 6-9-46.

C. I. T. invites attention to his No. Q/D S of 26-7-46 and requests for a reply.

Forward record and request that it be valued in a fortnight.

(Intd.)
D. J.

11-9-46.

Notice of F. A. issued on respondents and substituted respondents except 1 and 15 respondents dead.

20 2-10-46.

(Intd.)

Returns to notices filed.

3-10-46.

Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 respondents.

Mr. V. S. Nadarajah for 13 and 14 respondents.

1. C. C. submits his report of no deficiency of stamp duty.

80 2. *Vide* J. E. of 11-9-46 notices served on 4—13, 16 respondents and 1—3 substituted respondents.

Notice not served on 2 and 3 respondents reported dead and on 14 respondent not found.

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Journal
Entries
in D. C.
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

1 Substituted respondent present. Others absent.
Later 3 substituted respondents present.

Mr. Nadarajah takes notice on behalf of 14 respondent.

Mr. Sivagnanam moves for a date to file proxy and statement of heirs of 2 and 3 respondents who are dead.

For 24th October.

1st substituted respondent also wishes to file statment of claim.

For 24th October.

(Intd.) 10
D. J.

24-10-46.

M. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 respondents.

Mr. V. S. Nadarajah for 13 and 14 respondents.

1. Proxy of heirs of 2 and 3 respondents due from Mr. S. Sivagnanam—not filed.

2. Statement of claim from 1. Heirs of 2 and 3 respondents. 2. 1st substituted respondent not filed.

Final account passed. 20

Proceedings terminated.

(Intd.)
D. J.

24-10-46.

Mr. C. C. Somasegaram for administratrix moves for an order of payment for Rs. 2045-10 for the balance costs due to him as shown under item 12 of the Dr. side of the Final account which had been passed with notice to the respondents. He files minute of consent from the administratrix. 30

Pay.

(Intd.)
D. J.

24-10-46.

P. O. No. 90398 for Rs. 2045-10 entered in favour of Mr. C. C. Somasegaram, Proctor Jaffna.

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mentary
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to
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(Intd.)

29-10-46.

Mr. C. C. Somasegaram for administratrix de Bonis non moves that the securities be released and the title deeds tendered as security be returned. The title deeds are 3064/2-10-40, 526/20-5-33 and 9515/30-3-1900 filed with security bond 2121/23-3-42 and 2543 of 5-8-44.

—continued.

10

Return.

(Intd.)
D. J.

Received title deeds.

(Intd.)

1-11-46.

Mr. C. C. Somasegaram for administratrix de Bonis non moves for an order of payment of Rs. 1816-08 in favour of Chellamma wife of P. Philip administratrix in these proceedings, being the amount due to her for her commission and monies advanced by her and shown under item 13 of the Dr. side of the Final account which has been passed with notice to all respondents.

20

What is proposed to be done re debts recoverable items 11 and 7 in the Final account.

If these debts get prescribed through her negligence administratrix may have to pay the heirs these sums. She should either recover the debts or file application for judicial settlement and distribute these debts to some heirs so that they may recover them.

30

(Intd.)
D. J.

6-11-46

Administratrix of P. O. 90298 for Rs. 2045-10 received and filed separately.

(Intd.)

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in D. C.
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

19-12-46.

Mr. C. C. Somasegaram for administratrix submits that the sole heir Ilavavy Arumugam's Estate is being administered in Testy. Case No. 167 of this Court and the Commissioner of Estate Duty has assessed his estate and had demanded payment of estate duty in the sum of Rs. 549/- and interest thereon at four per cent from 1-5-44 which comes to Rs. 58-56 and both aggregating to Rs 607-56.

He therefore moves that an order of payment be issued to the Commissioner of Estate Duty for Rs. 607-56 out of the amount lying in deposit in this case.

Support.

(Intd.)
D. J.

9-1-47.

Vide application of C. E. D. in Testy. 167.

Vide payment order.

(Intd.)
D. J. 20

20-1-47.

P. O. 90682 for Rs. 607-56 entered in favour of C. E. D.

(Intd.)
Secy.

22-1-47.

Mr. V. S. Nadarajah for 13th and 14th respondents files notice dated 11-9-46 served on the respondents and moves that the order dated 24-10-46 terminating proceedings be vacated and that the case be fixed for inquiry to consider the question of heirship reserved for subsequent adjudication by order of 20-1-41.

Support on 29/1.

(Intd.)
D. J.

29-1-47.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 13th and 14th respondents.

Case called to support application of 22-1-47.

Mr. Adv. Somasegaram instd by Mr. V. S. Nadarajan for 13th and 14th heard.

Let papers be filed by them for judicial settlement as contemplated in Section 726 of the Code.

(Intd.)
D. J.

0

13-2-47.

Administration of P. O. 90682 for Rs. 607-56 received and filed separately.

(Intd.)

13-2-47.

C. E. D. sends receipt 01091 for Rs. 607-56.

J. E. of 20-1-47.

(Intd.)

20-3-47.

20

Mr. V. S. Nadarajah, Proctor for petitioner 12, 13 and 14 respondents files the affidavit of the 2nd petitioner—13th respondent—and for reasons stated therein moves for citation on the respondents for judicial settlement of the estate of the deceased in this case and decree be entered.

Issue for 2nd May.

(Intd.)
D. J.

2-5-47.

Citation not issued—issue now for 13/6.

(Intd.)

30

7-6-47.

Citation signed.

(Intd.)

4 R 82
Journal
Entries
in D. C.
Jaffna
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

4 R 82
Journal
Entries
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Jaffna
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No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

18-6-47.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

1. *Vide* J. E. of 20-3-47.
2. Citation entered—*vide* J. E. of 7-6-47 but not issued.
3. Mr. Nadarajah moves that permission be granted for citation on the Proctor.

Allowed.

Whether they are represented by Proctors.

Issue the citation for 18th July. 10

(Intd.)
D. J.

2-7-47.

Citation on Mr. C. C. Somasegaram, Proctor for administratrix.

Mr. S. Sivagnanam, Proctor for 2 to 11 respondents and 12, 13, 14 and 15 respondents issued.

(Intd.)
D. J.

17-7-47. 20

Return to citation filed.

(Intd.)

18-7-44.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

1. Citation served on Mr. C. C. Somasegaram, Proctor for administratrix. Mr. S. Sivagnanam, Proctor for 2—11 respondents and on 12—15 respondents.

2. Proctors C. C. Somasegaram present and S. Sivagnanam present. 30



3. 12 and 13 present, 14 absent and 15 present.

4. Mr. Adv. Nagendra for Mr. Sivagnanam.

Objections on 22nd August.

(Intd.)
D. J.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

18-7-47.

60 Mr. S. Sivagnanam, Proctor files Proxy of the petitioners together with their petition and affidavit and for reasons stated therein move for a notice on the administratrix respondent to show cause why the petitioner should not substitute in the record in the room of 2nd and 3rd respondents deceased.

Notice for 22-8-47.

(Intd.)
D. J.

19-8-47.

Notice on administratrix issued.

(Intd.)

21-8-47

20 Return to notice filed.

(Intd.)

22-8-47.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

1. *Vide* J. E. of 18-7-47.

2. C. C. reports that citation was served on all respondents.

3. Objections due.

4. *Vide* J. E. of 18-7-47.

30 5. Mr. S. Sivagnanam for petitioners.

4 R 82
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

6. Notice of application of 18-7-47 served on adminis-
tratrix.

7. Administratrix is absent.

8. Parties present consent to the application of Mr.
Sivagnanam to substitute in place of deceased 2 and 3 res-
pondents.

Substitution allowed. Enter caption.

Mr. files his statement by way of affidavit
showing heirship to the deceased with proxy,

Mr. Sivagnanam to file his statement also by way of 10
affidavit on 26th September.

19th respondent present to file statement also.

(Intd.)
D. J.

26-9-47.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

Mr. S. Sivagnanam for 20—26 substituted respondents.

M/s. Abubucker & Sultan for 17 and 18 respondents.

1. Statement by way of affidavit due from Mr. Siva-20
gnanam—filed.

2. Statement due from 19th respondent.

3. the pedigree filed by the 19th respon-
dent's father 15th respondent—deceased.

Inquiry for 20th January, 1948.

(Intd.)

12-1-48.

Administratrix list of witnesses filed. 3 witnesses cited
through N. P.

1 witness cited through F. M. Kayts.

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mentary
20-1-41
to
2-3-54
—continued.

19-1-48.

(Intd.)

Rev. Jesu Thasan, O.M.I., Parish Priest, St. Mary's Church Kayts states he will not able to attend Court unless the cost of his journey to Jaffna Rs. 20/- is sent to him by the plaintiff in time. Otherwise his Catechist Mr. N. John will produce the Register of Baptism if his cost of travel Rs. 5/- is sent.

10

Order.

Refer to Proctor who summoned him.

(Intd.)
D. J.

20-1-48.

Inquiry.

Mr. C. C. Somasegaram for administratrix.

Mr. Adv. Kulasingam with Mr. Adv. and Adv. Mr.

20

Mr. V. S. Nadarajah for 12—14 respondents Mr. Adv.

Mr. S. Sivagnanam for 20—26.

4—11 substituted respondents.

Mr. Adv. Ragupathy.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. Adv. Shanmugam.

Mr. R. A. Kumaraswamy for 19th respondent.

13 respondent is ill. Medical Certificate filed. Inquiry postponed for 23rd June.

30

(Intd.)
D. J.

4 R 32
Journal
Entries
in D. C.
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mentary
20-1-41
to
2-3-54
—continued.

13th respondent will pay the costs of today to administratrix Rs. 52-50 to 4—11 and 20—26 substituted respondents Rs. 52-50.

18-5-48. (Intd.)
D. J.

Proctor for administratrix moves to re issue ss on John Anthonipillai alias Seenithamby of Karaiyoor on whom ss were not served for the last date.

Re issue for 23-6-48. 10
19-5-84. (Intd.)
D. J.

Ss on John Anthonipillai re issued through Fiscal N. P.
23-6-48. (Intd.)

- Mr. C. C. Somasegaram for administratrix.
- Mr. V. S. Nadarajah for 12—14 respondents.
- Mr. S. Sivagnanam for 20—26 substituted respondents.
- M/s. Abubacker & Sultan for 17 and 18 respondents. 20
- Mr. R. A. Kumaraswamy for 19th respondent.

13th respondent one of the petitioners reported dead. Take off inquiry roll. Parties concerned to take steps.
23-6-48. (Intd.)
D. J.

Commissioner of Income Tax by No. Q58/228 of 18-6-48 calls for the record in th case.

Send it forthwith.
(Intd.) 30
D. J.



15-3-49.

C. I. T. requests payment of Rs. 1485/- being the amount of Income Tax for the years 1941/44.

Pay.

(Intd.)

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-8-54

D. J. —continued.

17-3-49.

P. O. A29280 for 1485/- issued.

Receipt No. E48281 filed.

10

4-7-49.

(Intd.)

C. I. T. sends notice under Section 81 copy of which was sent to Mrs. P. Philip and states that a sum of Rs. 500/- being amount of Income Tax for the 1944/45, 1946/47 payable by the executors P. Philip and moves for a P. O. in his favour for that sum.

Pay.

(Intd.)

D. J.

20

7-7-49.

P. O. A17382 for Rs. 500/- issued in favour of C. I. T.

(Intd.)

D. J.

8-7-49.

P. O. sent to C. I. T.

21-7-49.

C. I. T. sends receipt E74128.

(Intd.)

27-9-49.

30

There are some jewellery and other productions lying in the safe undisputed.

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Entries
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mentary
20-1-41
to
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—continued.

Parties may be noticed either to sell or take charge
of the articles.

(Intd.)
D. J.

Notice administratrix for 17-10-49.

(Intd.)
D. J.

28-9-49.

Notice issued.

(Intd.) 10

13-10-49.

Return filed.

(Intd.)

17-10-49.

Mr. C. C. Somasegaram for administratrix.

1. *Vide* J. E. of 27-9-49.

2. Notice to sell or take charge of the jewellery etc.
served on administratrix.

3. She is present and states she is prepared to take
charge of jewellery. 20

Inquiry re heirship for 23/12.

Secy. for action.

(Intd.)
D. J.

2-12-49.

C. I. T. wants this record for official reference and
return within 10 days.

1. Send.

2. Open sub file.

(Intd.) 20
D. J.

23-12-49.

Mr. C. C. Somasegaram for administratrix.

- 1. Record not received from Commissioner of Income Tax.
- 2. Call for record from C. I. T.
- 3. Call case on 16-1-50.

Journal
 Entries
 in D. C.
 Jaffna
 Case
 No. 605
 Testa-
 mentary
 20-1-41
 to
 2-3-54
 —continued.

(Intd.) D. J.

16-1-50.

10 Mr. C. C. Somasegaram for administratrix.

- 1. Record received from C. I. T.
- 2. *Vide* J. E. of 17-10-49.
- 3. Inquiry re heirship re fixed for

Mr. Somasegaram for administratrix who is present agrees for the jewellery by sale and deposited in Court.

Secy. to call up from the Bazaar jewellers and to sell for the best possible price and deposit in Court.

Re heirship let steps be taken by those concerned.

20 (Intd.) D. J.

13-2-50.

Mr. V. S. Nadarajah for present petitioner files proxy, petition and affidavit and for reasons stated therein moves that the names of the present petitioner be substituted in the record in the room of the deceased Muthy, wife of Poothi Vairamy—2nd petitioner—as her heirs for the purpose of inquiring into the judicial settlement and to carry on the case to its termination.

Notice administratrix for 17-3-50.

30 (Intd.) D. J.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-8-54
—continued.

3-3-50.

Notice issued on the administratrix to the Fiscal N. P.
for 17-3-50.

(Intd.)

17-3-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for present petitioner.

1. *Vide* J. E. of 13-2-50.

2. Return to notice due.

3. She is absent.

10

Later present and consents substitution. Enter cap-
tion— Issue notice on all parties.—To be served on parties
where they are represented by Proctors to appear and take
date of inquiry into judicial settlement for 28/4.

(Intd.)
D. J.

Mr. Nadarajah states that citation has been served on
all parties earlier. Office to check up.

(Intd.)
D. J. 20

24-5-50.

Notice issued on the administratrix to Fiscal N. P.
for 28-4-50.

(Intd.)

28-4-50.

Return to notice filed.

(Intd.)

28-4-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

Mr. S. Sivagnanam for 20—26 substituted respondents. 30



M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. S. Kumaraswamy for 19th respondent.

1. Fresh caption due.

2. *Vide* J. E. of 17-3-50.

3. Notice re date of inquiry into judicial settlement served on Proctor for administratrix.

4. Mr. C. C. Somasegaram is present.

5. Notice not issued on others.

10

Mr. Sivagnanam for 4—11 respondents and 20—26 respondents takes notices.

Mr. R. A. Kumaraswamy takes notice for 19th respondent.

Issue notice on others for 3rd June.

(Intd.)
D. J.

Mr. Abubacker states that he has lost touch with his clients. Let his clients be served.

(Intd.)
D. J.

20 23-6-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 12—14 respondents.

Mr. S. Sivagnanam for 20—26 substituted respondents.

M/s. Abubacker & Sultan 27 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent *Vide* previous J. E.

1. Fresh caption due—for 28/7.

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Journal
Entries
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mentary
20-1-41
to
2-3-54

—continued.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

2. Notice re date of inquiry into judicial settlement issued on others.

Issue now for 28/7.

(Intd.)

28-7-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 and 4 respondents.

Mr. S. Sivagnanam for 20—26 substituted respondents.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent. 10

1. Fresh caption due—filed.

2. Notice re date of inquiry into judicial settlement not issued on others.

Notice to issue on 16, 17 and 18 respondents for 31/8.

(Intd.)
D. J.

31-8-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 and 4 respondents.

Mr. S. Sivagnanam for 20—24 respondents 20

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

1. *Vide* previous J. E.

2. Notice re date of inquiry into judicial settlement not issued on 16, 17 and 18 respondents.

Issue now for 12/10.

(Intd.)
D. J.

3-10-50.

Notice on 16 respondent and on Proctors for 17 and 18 respondents issued to Fiscal Jaffna returnable 12-10-50.

4 R 32
Journal
Entries
in D. C.
Jaffna
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Testa-
mentary
20-1-41
to
2-8-54
—continued.

(Intd.)

Return filed.

(Intd.)

12-10-50.

1. *Vide* J. E. of 31-8-50.

10 2. Notice served on 16th respondent and on Proctor Mr. Sultan for 17 and 18 respondents.

16th respondent absent.

Mr. Sultan submits 17 and 18 respondents do not see him now.

Notice 17 and 18 respondents for 10/11.

(Intd.)
D. J.

10-11-50.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 and 4 respondents.

20 Mr. S. Sivagnanam for 20—26 respondents.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

Notice not issued on 17 and 18 respondents.

Issue now for 11/12.

(Intd.)
D. J.

4 R 32 11-12-50.
 Journal
 Entries
 in D. C.
 Jaffna
 Case
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 Testa-
 mentary
 20-1-41
 to
 2-3-54
 —continued.

Notice not issued on 17 and 18 respondents for the 2nd time.

Proctor for 17 and 18 respondents present and submits that he is not interested with them.

Substituted service on 17 and 18 respondents on affidavit being filed for 22-1-51.

(Intd.)
D. J.

22-1-51.

10

1. *Vide J. E.* of 11-12-50.

2. Notices on 17 and 18 respondents not served and affidavit not filed.

3. Issue now for 19-2-51 for substituted service on affidavit being filed.

(Intd.)
D. J.

19-2-51.

Mr. C. C. Somasegaram for administratrix.

Mr. V. S. Nadarajah for 1, 2 and 4 respondents.

20

Mr. S. Sivagnanam for 20—26 respondents.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Kumaraswamy for 19th respondent.

Vide J. E. of 11-12-50.

Notice on 17 and 18 respondents not issued and affidavit not filed.

Estate closed Final account accepted. Application for judicial settlement is rejected. Enter Register.

(Intd.)
D. J. 30

Register entered.

(Intd.)

13-9-51.

As the Final account has been accepted and estate declared closed on 19-2-51 Mr. C. C. Somasegaram for administratrix de bonis non moves that an O. P. for Rs. 671-28 due to the administratrix and shown under item 12 Cr. side of the F/A be paid to her.

4 R 32
Journal
Entries
in D. C.
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mentary
20-1-41
to
2-3-54
—continued.

File scheme of distribution if necessary in Court.

(Intd.)
D. J.

10 24-9-51.

Mr. C. C. Somasegaram for administratrix de bonis non files scheme of distribution and moves for an O/P in favour of administratrix de bonis non for Rs. 1816-08 being amount due to her for commission *Vide* item 12 Dr. side and other expenses met by her in administering the estate and shown under item 13 Dr. side of the F/A which had been passed with notice to all parties.

Allowed.

(Intd.)
D. J.

20
28-9-51.

P/O No. 74303 for Rs. 1816-08 entered in favour of Chellamma, wife of Philip of Karayoor, Jaffna.

(Intd.)

7-12-51.

Mr. C. C. Somasegaram for administratrix de bonis non moves that the sum of Rs. 7541-27 together with L. B. DD be transferred to Testy. Case No. 167 D. C. Jaffna as this case has been finally decided *Vide* J. E. of 19-2-51 and J. E. in 167T of 23-6-48. The estate of the late Ilayavi Arumugam the sole heir to the estate administered in this case, is being administered in case No. 167T.

Mr. Somasegaram moves for a date to support this application if necessary.

Allowed.

(Intd.)
D. J.

30

4 R 32 10-12-51.
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued. 6-3-52.

O/P A74518 for Rs. 7541-27 issued to G.A., N.P. to be transferred to D. C. Jaffna Case No. 167T.

(Intd.)
D. J.

Mr. S. Sivagnanam for 3—12 and 20—26 respondents submit that in this case several parties contested the heirship of the deceased Kanthar who died issueless. Of consent by order dated 20-1-41 certain Arumugam was to be issued Letters of Administration given him the status “ an heir ”. The question of heirship has been left open and up to date this question has not been adjudicated. The administratrix Chellammah has failed to give notice to all parties concerned—the alleged heirs—of her application to transfer a sum of Rs. 7541-27 from this case to case No. 167T D. C. Jaffna where the present administratrix Chellammah states in her affidavit that the “ sole heir ” of deceased Kanthar was the said Arumugam — original administrator. 20

Mr. S. Sivagnanam further submits that the application to have the said sum of Rs. 7541-27 transferred is irregular and illegal and therefore moves that the administratrix in case No. 167 Testy. be ordered to show cause as to why she should not retransfer the said money to this case.

Issue notice for 28-4-52.

(Intd.)
D. J.

11-3-52.

Notice on administratrix issued to Fiscal N. P. 80

(Intd.)

28-4-52.

Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 3—12 and 20—26 respondents.

1. Notice served on administratrix.



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Journal
Entries
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mentary
20-1-41
to
2-3-54
—continued.

2. Administratrix is present.

3. Objections on 9-6-52.

9-6-52. (Intd.)
1. Objections due.
Not filed—file on 30-6-52.

30-6-52. (Intd.)
1. Objections due—filed.

10 17-11-52. Inquiry on 17-11-52.
(Intd.) *D. J.*

17-11-52. Mr. C. C. Somasegaram for administratrix.
Mr. S. Sivagnanam for 3—12 and 20—26 respondents.
Vide proceedings in separate sheet.
Inquiry postponed for 18-2-53.
(Intd.) *D. J.*

20 18-2-53. Inquiry.
Mr. C. C. Somasegaram for administratrix.
Mr. S. Sivagnanam for 20—26 and 3—12 respondents.
Mr. V. S. Nadarajah for 1, 2 and 4 respondents.
M/s. Abubacker & Sultan for 17 and 18 respondents.
Mr. R. A. Kumaraswamy for 19th respondent.
Vide proceedings on separate sheet.
Call case on 9-3-53.
(Intd.) *D. J.*

30

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

27-2-53.

Mr. C. C. Somasegaram for administratrix de bonis non **appellant** files petition of appeal of the administratrix de bonis non appellant together with notice of tendering security for 11-3-53 and moves that the said notice be ordered to be issued on the respondents and their Proctors Mr. S. Sivagnanam of Chankanai.

He further tenders stamps to the value of Rs. 17/- for S. C. Decree and Rs. 17/- for certificate in appeal.

Appeal is accepted.

10

Issue notice of tendering security returnable 11-3-53.

(Intd.)
D. J.

27-2-53.

Notice of tendering security on 1 to 16 respondents and on their Proctor Mr. S. Sivagnanam issued through Fiscal N. P.

(Intd.)
D. J.

27-2-53.

Deficiency Rs. 11/- due from 4—12 and 20—26 respondents on notice dated 11-3-52.

20

(Intd.)

9-3-53.

Mr. C. C. Somasegaram for administratrix.

Mr. S. Sivagnanam for 4—12 and 20—26 respondents.

M/s. Abubacker & Sultan for 17 and 18 respondents.

Mr. R. A. Cumaraswamy for 19th respondent.

Mr. V. S. Nadarajah for 27—30 respondents.

Case called—*Vide* J. E. of 18-2-53.

30

Deficiency of Rs. 11/- due from 4—12 and 20—26 respondents.

Papers for judicial settlement due from administratrix. Appeal filed. Await result.

(Intd.)
D. J.

11-3-53.

Mr. C. C. Somasegaram for administratrix de bonis non

Mr. S. Sivagnanam for 4—12 and 20—26 respondents.

1. *Vide J. E.* of 27-2-53.

2. Notice served on 1—6 and 10—16 respondents and on Proctor for 4—12 and 20—26 respondents.

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—continued.

1st respondent Velan Marimuttu

2nd do Velan Vaithian

3rd do Murugar Ponna

10 4th do Ledchumi

5th do Pathan Kanapathy

6th do Ponny

10th do Sinnavan Kanapathy

11th do Sinnavan Arumugam

12th do Vairavan Kanapathy

13th do Kanavathy Sellan

14th do Seethai

15th do Sinnapoddian Vally

16th do wife of Sinnapoddian Vally (Kuddy)

20 3. Proctor for 4—12 and 20—26 respondents absent.

3A. Not served on 7—9 respondents.

4. Deficiency Rs. 11/- due from Mr. Sivagnanam.

5. Re issue on 7—9 respondents for 30-3-53.

Security is fixed at Rs. 200/- costs.

(Intd.)
D. J.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
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Testa-
mentary
20-1-41
to
2-3-54
—continued.

12-3-53.

Mr. C. C. Somasegaram for appellant files security bond together with K. R. for Rs. 200/- and notice of appeal and application for typewritten copies and moves that the said notice be ordered to be issued on Mr. S. Sivagnanam, Proctor for respondents.

File security bond. It is accepted.

Issue notice of appeal returnable 30/3.

(Intd.)
D. J. 10

14-3-53.

K. R. 1395/61804 of 13-3-53. for Rs. 8/- being cost of appeal brief filed.

(Intd.)

14-3-53.

Notice of tendering security on 7—9 respondents re-issued through Fiscal N. P.

(Intd.)

Notice of appeal on Mr. S. Sivagnanam, Proctor for respondents issued through Fiscal N. P. 20

(Intd.)

24-3-53.

Return filed.

(Intd.)

30-3-53.

Mr. C. C. Somasegaram for administratrix de bonis non appellant.

Mr. S. Sivagnanam for 4—12 and 20—26 respondents.

1. *Vide* J. E. of 27-2-53.



2. Notice served on 7 and 8 respondents and on Mr. S. Sivagnanam, Proctor for 4—12 and 20—26 respondents.

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—continued.

7th respondent V. Kathiravilan absent.

8th do Thangamuttu absent.

Mr. S. Sivagnanam, Proctor absent.

Notice not served on 9th respondent.

Re issue for 15-5-53.

Deficiency Rs. 11/- due from Mr. Sivagnanam for 15/5.

10

(Intd.)
D. J.

11-5-53.

Notice of tendering security received on the 9th respondent through Fiscal N. P.

(Intd.)

15-5-53.

Mr. C. C Somasegaram for administratrix de bonis non.
Appellant.

Mr. S. Sivagnanam for 4—12 and 20—26 respondents.

20

Deficiency Rs. 11/- due from Mr. S. Sivagnanam.

Notice not served on 9th respondent for want of time.

Re issue for 12-6-53.

(Intd.)
D. J.

22-5-53.

Notice of tendering security on 9th respondent re issued through Fiscal N. P.

(Intd.)

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

12-6-53.

1. Deficiency Rs. 11/- due from Mr. S. Sivagnanam not supplied.
2. Call for *Vide J. E.* of 15-5-53.
3. Notice on 9th respondent not served.
4. V. H. reports that 9th respondent is not a resident in his division.

Re issue returnable 17-7-53.

(Intd.)
D. J. 10

17-7-53.

Mr. C. C. Somasegaram for administratrix de bonis non appellant.

Mr. S. Sivagnanam for 5—12 and 20—26 respondents.

Deficiency Rs. 11/- due from Mr. Sivagnanam.

Notice on 9th respondent not re issued.

Re issue with full particulars for 17-8-53.

Deficiency for same date.

(Intd.)
D. J. 20

17-8-53.

1. Deficiency Rs. 11/- due from Mr. Sivagnanam.
2. Notice on 9th respondent not re issued.
3. Write to Proctor to supply before 24-8-53.

Call on 24-8-53.

(Intd.)
D. J.

Written to.

(Intd.)

24-8-53.

Mr. C. C. Somesegaram for administratrix de bonis non
appellant.

Mr. S. Sivagnanam for 4—12 and 20—26 respondents.

1. Deficiency Rs. 11/- due from Mr. Sivagnanam
supplied.

4 R 32
Journal
Entries
in D. C.
Jaffna
Case
No. 605
Testa-
mentary
20-1-41
to
2-3-54
—continued.

2-3-54.

2. Notice on 9th respondent not re issued.

Not necessary.

10

3. Forward record to S. C.

(Intd.)

D. J.

2-3-54.

C. E. D. requests that this record be forwarded to him
for reference and return. It is required by him for estate
duty purposes in connection with D. C. Jaffna Testy. case
No. 1662 and will be returned within 2 weeks.

Forward to S. C. first. Inform C. E. D. that record
will be sent to him after the appeal is over.

20

(Intd.)

D. J.

True copy or Journal Entries from 20-1-41 to 2-3-54
filed in D. C. Jaffna 605 Testy (entries from 2-6-38 to
20-11-40.)

(Sgd.)

for Registrar S. C.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45

4 R 31

Journal Entries in D. C. Jaffna Case No. 17775.

4 R 31

IN THE DISTRICT COURT OF JAFFNA.

No. 17775.

Class : 1.

Amount : Rs. 677-75.

Nature : M. Bond.

Procedure : Regular.

E. Arumugam of Karaiyoor, Admr : in D.C.J. 605 T. 10
Plaintiff.

Vs.

Ceciliya, widow of M. Chelliah of Chundikuli, Jaffna.
Defendant.

Journal.

The 12th day of June, 1942.

Mr. C. C. Somasegaram files appointment and *Plaint* together with M. Bond and its translation and moves for Ss on the defendant.

Plaint accepted and Summons ordered for 14-7-42.

(Sgd.) G. C. THAMBYAH, 20
District Judge.

23-6-42.

Summons issued with Precept returnable the 14th day of July, 1942.

(Intd.)
C. C.

13/7 Return to Ss received and filed.



14-7-42.

Mr. C. C. Somasegaram for plaintiff.
Ss not served on defendant (not to be found).
Re issue for 18/8.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45
—continued.

(Intd.) L. W. DE S.
A. D. J.

22-7-42.

Ss re issued.

(Intd.)
C. C.

10

15/8 Return to Ss received and filed.

18-8-42.

Ss served on defendant. She is present and admits claim and consents to judgment.

I enter decree absolute in terms of that.

Order to sell not to issue for 2 months.

(Intd.) L. W. DE S.
A. D. J.

Decree entered.

29

(Intd.)

10-12-42.

2-3-43.

Proctor for plaintiff files copy decree, bill of costs and moves that notice of taxation be issued on the defendants.

Issue notice for 20-3-43.

(Intd.) L. W. DE S.
A. D. J.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45
—continued.

4-3-43.

Notice of taxation issued on defendant.

(Intd.)

C. C.

20-3-43.

Notice of taxation served on defendant.

She is absent.

Bill of costs taxed at Rs. 94-20.

(Intd.)

Secy. 10

3-4-43.

Copy decree having been already filed.

Proctor for plaintiff files commission and conditions of sale and moves that commission be issued to Mr. S. Sangarapillai.

Allowed—Issue commission.

(Intd.) G. C. T.

D. J.

Commission issued returnable 2-7-43.

(Intd.) 20

28-4-43.

Land valued at Rs. 480/-.

Sale if fixed for 11-5-43 at 4-30 p.m.

7-7-43.

Commissioner returns commission and copy decree and reports that the sale was not held as the plaintiff is dead.

He also sends a bill for his fees and begs that the substituted plaintiff who is the administrator in this Case No. 605 Testy. D. C. Jaffna be ordered to pay his stay fees Rs. 10-70.

Await steps to be taken in place of the deceased plaintiff.

(Intd.) G. C. T.

D. J.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45

—continued.

1-11-44.

Mr. C. C. Somasegaram files proxy, affidavit and petition of the petitioner and moves that the name of the petitioner be substituted in the record in place of the plaintiff and commission issued to the same Commissioner for the sale of the decreed property.

10

Allowed.

(Intd.) E. W.

A. D. J.

Substituted.

23-11-44.

Commission re issued returnable 24-2-45.

9-1-45.

Land valued at Rs. 480/- sale on 16-1-45.

19-1-45.

20

D/N 66634 for Rs. 143-75 being 1/4 p.a. issued to Mr. S. Sangarapillai.

22-1-45.

Commissioner returns commission with receipts for sale charges and reports sale as follows :

Sale held on 16-1-45.

Land sold to T. Anthonipillai of Chundikuly for and on behalf of Lawrence A. Devasagayam of Chundikuly presently of A'pura for Rs. 575/- K. R. for Rs. 143-75 being 1/4 p. a. filed K. R. for Rs. 6-90 being poundage filed copy decree and perfected conditions of sale to be filed.

30

(Intd.) E. W.

A. D. J.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45
---continued.

29-1-45.

Copy decree and perfected conditions of sale filed.

13-2-45.

Deposit Note No. 66642 for 431-25 issued to purchaser being $3\frac{1}{4}$ p.a.

21-2-45.

K. R. No. 744 of 10-2-45 for Rs. 431-25 being $3\frac{1}{4}$ p.a. filed.

23-2-45.

Thirty days having elapsed since the receipt of the 10 Commissioner's report and no application having been made to set aside the said sale, Proctor for plaintiff moves that the said sale be confirmed.

Sale confirmed.

(Intd.) E. W.
D. J.

19-3-45.

Order confirming sale of land entered.

27-6-45.

As the sale had been confirmed, Proctor for plaintiff 20 moves that the sum of Rs. 575/- realised by the sale of the mortgaged property be paid to the substituted plaintiff.

Issue notice on defendant for 23-7-45.

(Intd.) E. W.
A. D. J.

2-7-45.

Proctor for plaintiff files minute of consent from the defendant and move that the sum of Rs. 575/- due to the substituted plaintiff Chellammah be paid to her without notice to the defendant.

30

Pay Rs. 575/- to the substituted plaintiff.

(Intd.) E. W.
A. D. J.

3-7-45.

P. O. No. 85613 for Rs. 575/- issued to Chellammah substituted plaintiff.

(Intd.)

Secy.

4 R 31
Journal
Entries
in D. C.
Jaffna
Case
No. 17775
12-6-42
to
3-7-45
—continued.

“ True copy of Journal Entries in case No. 17775 of 1942 D. C. Jaffna.

Compared by : (Intd.).....

(Sgd.) K. A. SEBASTIAN,
Secretary D. C. Jaffna.

10

4 R 27

Plaint, Evidence of the Administratrix de Bonis non and Decree in D. C. Jaffna Case No. 33.

4 R 27

IN THE DISTRICT COURT OF JAFFNA.

(Dead) Elaiavi Arumugam of Karaiyoor, Jaffna Administrator of the estate of the late Kanapathy Kanthar in Testamentary Case No. 605 D. C. Jaffna.

No. 33.

20

Chellammah, wife of P. Phillip of Karaiyoor as Administratrix de bonis non of the estate of the late Kanapathy Kanthar of Karaiyoor.....*Substituted Plaintiff.*

(Vide J. E. of 20-5-49.)

(See D. C., J. Testy. 605.)

K. V. Sinna Thurai, Stanley Road, Jaffna.....*Defendant.*

On this 14th day of July, 1942.

The Plaintiff of the abovenamed Plaintiff appearing by Mr. C. C. Somasegaram his Proctor states as follows :

4 R 27
Plaint,
Evidence
of the
Adminis-
tratrix de
Bonis non
and Decree
in D. C.
Jaffna
Case
No. 33
14-7-42

4 R 27
Plaint,
Evidence
of the
Adminis-
tratrix de
Bonis non
and Deeree
in D. C.
Jaffna
Case
No. 33
14-7-42
—continued.

1. The Parties reside and cause of action hereinafter averred arose within the jurisdiction of this Court.
2. The late Kanapathy Kanthar of Karaiyoor was the owner and proprietor of the land fully described in the schedule hereto and the defendant was a tenant under him paying a monthly rent of Rs. 20/- and the said Kanapathy Kanthar died on or about the 19th day of May, 1938 and his estate is being administered in Testamentary Case No. 605 of this Court and Letters of Administration was issued to the plaintiff on the 21st day of April, 1942. 10
3. At the time of the death of the said Kanthar the defendant had to pay a sum of Rs. 300/- being arrears of rent to the end of April, 1938 and subsequent to the death of the said Kanthar the defendant continued in occupation of the said land and premises but has failed and neglected to pay any rent.
4. There is now due and owing to plaintiff as such Administrator from the defendant the sum of Rs. 1260/- for arrears of rent to the end of June, 1942.
5. Though thereto often demanded the defendant has failed 20 and neglected to pay same or any part thereof and though requested to quit the said land the defendant has failed to do so.
6. Hence a cause of action has accrued to plaintiff to sue the defendant for the recovery of the said sum of Rs. 1260/- with further rent from July, 1942 till peaceful possession is restored to plaintiff and to eject the said defendant from the said land.

Wherefore the plaintiff prays that the defendant be adjudged and decreed to pay to the plaintiff the said sum of 30 Rs. 1260/- with further rent at Rs. 20/- a month from this date till peaceful possession of the said premises is given to the plaintiff and that the said defendant be ejected from the said land and peaceful possession given to the plaintiff.

For costs and for such other and further relief as to this Court shall seem meet.

(Sgd.) C. C. SOMASEGARAM,
Proctor for Plaintiff.

Schedule referred to above.

All those two godowns standing on the land called "Uvaiyady" in extent 23 Lms. v. c. situated at Vannarponnai East, in Jaffna and which said two godowns in extent about half lm. v. c. is bounded on east, north and south by the property of the deceased Kanthar and west by road.

(Sgd.) C. C. SOMASEGARAM,
Proctor for Plaintiff.

4 R 27
Plaint,
Evidence
of the
Adminis-
tratrix de
Bonis non
and Decree
in D. C.
Jaffna
Case
No. 33
14-7-42
—continued.

SELLAMMAH, WIFE OF PHILLIP, Sworn 42, Karaiyoor.

10 The property in the occupation of the defendant belonged originally to K. Kanthar, my late uncle. I know that the defendant rented out the premises from my late uncle. I was not present when the defendant leased out the premises from my uncle. I say that the taxes must be borne by the defendant, because when my uncle died the defendant told me that he would pay the taxes himself. My late father was the administrator of the estate of my uncle Kanthar. After my father's death I took out letters of administration. After that I went and asked the defendant for the rent. He promised to pay Rs. 25/- per
20 mensem plus the tax.

Cross-Examined.

The original Administrator filed this case against the defendant. I was substituted in place of my father the plaintiff. Decree was entered of settlement. There is no clause in the decree regarding the question as to who should pay the tax.

Re-Examined—Nil.

(Intd.) T. M.

D. J.

Decree.

80 No. 33.

IN THE DISTRICT COURT OF JAFFNA.

Ilaiyavi Arumugam of Karaiyoor Jaffna, Administrator of the estate of the late Kanapathy Kanthar of Karaiyoor in Testamentary Case No. 605 D. C. Jaffna.

Plaintiff.

4 R 27
 Plaint,
 Evidence
 of the
 Adminis-
 tratrix de
 Bonis non
 and Decree
 in D. C.
 Jaffna
 Case
 No. 33
 14-7-42
 —continued.

Chellammah, wife of P. Phillip of Karaiyoor as Adminis-
 tratrix de bonis non of the estate of the late Kanapathy Kanthar
 of Karaiyoor in D. C. Jaffna Testamentary Case No. 605.

Substituted Plaintiff.

Vide J. E. of 20-5-45.

Vs.

K. V. Sinnathurai of Stanley Road, Jaffna

Defendant.

This action coming on for final disposal before G. C. Thambiah, Esquire District Judge, Jaffna, on the 21st day of 10 December, 1942, in the presence of Mr. C. C. Somasegaram, Proctor on the part of the Plaintiff and of Mr. V. S. Somasundram, Proctor on the part of the Defendant. It is ordered and decreed of consent that the defendant do pay to the plaintiff Rs. 700/- being arrears of rent to the end of December, 1942 payable in monthly instalments of Rs. 60/- commencing from 1st March, 1943.

It is further ordered the payment of Rs. 100/- paid to day be and the same is hereby certified.

It is also further agreed that the rent payable from January, 20 1943 is fixed at Rs. 14/- a month. No costs.

This 21st day of December, 1942.

(Sgd.) D. H. PANDITHAGUNAWARDENE,

D. J.

7-4-49.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,

Proctor for Plaintiff.

“ True copy of Plaintiff, Evidence of Chellammah, wife of Phillip and Decree in case No. 33, Rent and Ejectment, D. C. 30 Jaffna.

(Sgd.) K. A. SEBASTIAN,

Secretary, D. C. Jaffna.

Compared by : (Intd.)

C. C.

4 R 30

Journal Entries in D. C. Jaffna Case No. 34.

4 R 30

IN THE DISTRICT COURT OF JAFFNA.

No. 34.
 Class : 1.
 Amount : Rs. 700/-.
 Nature : Land.
 Procedure : Regular.

4 R 30
 Journal
 Entries
 in D. C.
 Jaffna
 Case
 No. 34
 14-7-42
 to
 30-4-43

10 E. Arumugam of Karaiyoor, Jaffna, Administrator in
 D. C. Jaffna 605T.

Plaintiff.

Vs.

M. Anthonipillai and wife both of Karaiyoor, Jaffna.
Defendants.

Journal.

14th day of July, 1942.

Mr. C. C. Somasegaram files appointment and Plaint
 and moves for Ss on the Defendants.

20 Plaint accepted and summons ordered for 20-8-42.

(Sgd.) G. C. THAMBYAH,
D. J.

3-8-42.

Summons issued on 1 and 2 defendants with Precept
 for the 20th day of August, 1942.

(Intd.)
C. C.

19-8-42.

Return to summons received and filed.

30 20-8-42.

Mr. C. C. Somasegaram for plaintiff.

Ss served on 1 and 2 defendants.

They are absent. Proxy filed.

Answer on 24/9.

(Intd.) G. C. T.
D. J.

4 R 30
Journal
Entries
in D. C.
Jaffna
Case
No. 34
14-7-42
to
30-4-43
—continued.

24-9-42.

Mr. J. Patrick for defendant.

Answer due—Proctor moving.

S. O. 8/10.

(Intd.) G. C. T.
D. J.

8-10-42.

Answer due not filed. Defendant absent.

Exp. 22/10.

(Intd.) G. C. T. 10
D. J.

22-10-42.

EXPARTE TRIAL (1)

Mr. C. C. Somasegaram for plaintiff.

Mr. J. Patrick for defendants.

Proctor for plaintiff moving S. O. 27/10.

(Intd.) G. C. T.
D. J.

27-10-42.

EXPARTE TRIAL (2)

20

Mr. C. C. Somasegaram for plaintiff.

Mr. J. Patrick for defendants.

Vide proceedings.Enter *Decree Nisi* returnable 26-11-42.

(Intd.) G. C. T.
D. J.

Decree Nisi Entered.

30-11-42.

As the *decree nisi* was not issued for 26-11-42 Proctor for plaintiff moves that a date be fixed for issuing same on 30 the defendants.

Issue for 17-12-42.

(Intd.) G. C. T.
D. J.



2-12-42. Notice of D/N issued on 1 and 2 defendants.
(Intd.) C. C.

12-12-42. Return to notice of D/N received and filed.

17-12-42. Mr. C. C. Somasegaram for plaintiff.
Notice of *Decree Nisi* served on 1 and 2 defendants.
10 They are absent. Decree absolute.
(Intd.) G. C. T.
D. J.

D/A Entered

6-4-42. The Proctor for plaintiff files copy decree and bill
of costs and moves for notice of taxation on defendants.
Allowed for 30-4-43.
(Intd.) G. C. T.
D. J.

20 8-4-43. Notice of Taxation issued on 1 and 2 defendants.
(Intd.) C. C.

15-4-43. Return to notice received and filed.

30-4-43. Notice of taxation served on 1 and 2 defendants absent.
Secy. to tax bill
(Intd.)
30 Bill taxed at Rs. 129-45.
(Intd.) Secy.

True copy Journal Entries in Case No. 34 Land of
1942 D. C. Jaffna.
(Sgd.) K. A. SEBASTIAN,
Secretary, D. C. Jaffna.

Compared by :
(Intd.)

4 R 30
Journal
Entries
in D. C.
Jaffna
Case
No. 34
14-7-42
to
30-4-43
—continued.

4 R 28
 Answer filed
 by Thomas
 Mariampillai
 Antony
 and wife
 Anchalenapillai
 in D. C.
 Jaffna Case
 No. 47 Bond
 6-10-42

4 R 28

**Answer filed by Thomas Mariampillai Antony and wife
 Anchalenapillai in D. C. Jaffna Case No. 47/Bond.**

4 R 28

IN THE DISTRICT COURT OF JAFFNA.

No. 47/Bond.

Elayavi Arumugam of Karaiyoor, Administrator of the
 late Kanapathy Kanthar of Karaiyoor in Testy. Case
 No. 605, D. C. Jaffna.

Plaintiff. 10

1. Thomas Mariampillai Antony and wife
2. Anchalenapillai both of Karaiyoor.

Defendants.

This 6th day of October, 1942.

The answer of the abovenamed defendants appearing
 by Mr. R. R. Nalliah their Proctor states as follows.

1. Answering to paragraph 1 of the plaint the defendants admit the execution of the mortgage bond sued upon under circumstances hereinafter stated but deny that they received a sum of Rs. 2800/- and state that real consideration was Rs. 2300/- 20
2. Further answering to the said paragraph the defendants state that although interest is mentioned as ten per cent it was agreed that no interest was to be recovered.
3. Answering to paragraphs 2 and 3 of the plaint the defendants admit the averments contained therein.
4. Answering to paragraph 3 of the plaint the defendants deny that a sum of Rs. 4206/- is due and owing the plaintiff and state a sum of Rs. 2300/- only is due.
5. Further answering to the plaint the defendants state that the 1st defendant contested Ward No. 2 of the Jaffna Urban 30 Council in the year 1937 and the late Kanapathy Kanthar acted as his agent. The defendants executed the mortgage bond for the election expenses and allowed the late Kanthar to spend without receiving the amount mentioned in the bond. After

the election was over in December, 1937 the defendants and the said Kanthar looked into the accounts and it was found that the said Kanthar had spent only Rs. 2300/- on behalf of the 1st defendant and it was agreed that only a sum of Rs. 2300/- was due on the said bond. Wherefore these defendants pray that the plaintiffs action in excess of Rs. 2300/- be dismissed with costs and for such other and further relief as to this Court shall seem meet.

4 R 28
Answer filed
by Thomas
Mariampillai
Antony
and wife
Anchalena-
pillai
in D. C.
Jaffna Case
No. 47 Bond
6-10-42
—continued.

(Sgd.) R. R. NALLIAH,
Proctor for Defendants.

10

D. C. 47.

23-3-43.

Mr. Kanaganayagam with Mr. Somasegaram for plaintiff instructed.

Mr. C. Ponnambalam for defendants instructed.

Parties present.

Defendants say only a sum of Rs. 2300/- is due without interest. They say that the mortgagor was an election agent for 1st defendant on whose behalf he spent Rs. 2300/-.

20

Plaintiff agrees to accept Rs. 2800/- and says he is not personally aware of the transaction, alleged by 1st defendant. 1st defendant agrees to pay Rs. 2800/-.

I approve of the settlement in the circumstances and enter Decree Absolute in plaintiff's favour in terms of the Plaint in the sum of Rs. 2800/- without interest.

I fix a sum of Rs. 150/- as costs payable by the defendants to the plaintiff. Order to sell will not be issued for two months.

(Sgd.)
A. D. J. Jaffna.

30

“ True copy of Answer and Order dated 23-3-43 in case No. 47/Bond, D. C. Jaffna.”

(Sgd.) K. A. SEBASTIAN,
Secretary, D. C. Jaffna.

(Intd.)
C. C.

4 R 25
Affidavit and
Inventory
filed in D. C.
Jaffna
Case No. 167
Testa-
mentary
8-8-43

4 R 25

**Affidavit and Inventory Filed D. C. Jaffna Case No. 167
Testamentary.**

IN THE DISTRICT COURT OF JAFFNA.

4 R 25

Testamentary
No. 167 T.
Jurisdiction

In the matter of the Last Will and Testament of the
estate of the late Ilaiyavi Arumugam of Karaiyoor deceased. 10

Chellammah, wife of Philip of Karaiyoor.

Petitioner.

Vs.

Rasamany, widow of Muttu of Alaveddy.

Respondent.

I, Chellammah, wife of Phillip of Karaiyoor do hereby
make oath and say as follows :—

1. I am the petitioner abovenamed.
2. That my father Ilaiyavi Arumugam of Karaiyoor the above-named deceased lived at Karaiyoor Jaffna within the jurisdiction 20 of this Court and died there on the 30th day of April, 1943 leaving behind a Last Will and Testament dated the 29th day of April, 1943 and attested by C. C. Somasegaram, Notary Public, under No. 2355 and which said Will is filed herewith marked Lr. " A " and leaving behind properties of the nature and value shown in the schedule hereto annexed.
3. That by the said will abovenamed deceased bequeathed all his properties movable and immovable to his two daughters the respondent and myself in equal shares. If not for the said will also the respondent and myself are the deceased's heirs. 30
4. I apply for Probate of the said Last Will as the Executrix named in the said will,

Schedule.

		Rs.	cts.	3 R 25 Affidavit and Inventory filed in D. C. Jaffna Case No. 167 Testa- mentary 3-8-43 —continued.
MOVABLES.				
	1. One Almyrah ..	30	00	
	2. One Box ..	15	00	
	3. Two Easy Chairs ..	10	00	
	4. Four Chairs ..	8	00	
	5. One Sofa ..	10	00	
	6. Two Motors and two Pounders ..	15	00	
 10 IMMOVABLES.				
	7. Land situated at Velliampattai in Alaveddy called Peddaiyavalavu in extent 42 Lms. v. c. of this half share ..	300	00	
	8 Land situated at Alaveddy called Kumpalai in extent 10 Lms. v. c. of this half share	300	00	
	9 Value of movables the deceased is entitled as sole heir to the estate of the late K. Kanther Administered in Testamentary case No. 605 D. C. Jaffna after deducting estimated expenses and deductions.	12000	00	
20				
	10 Value of immovables the deceased is entitled to as sole heir of the said Kanapathy Kanther administered in the said Testamentary case No. 605. ..	25000	00	
		<hr/>	<hr/>	
		37688	00	
 DEDUCTIONS.				
	1. Amount due to Arulappu Soosaippillai of Karaiyoor on a pronote dated 13th May, 1940 Principal .. Rs. 2000 00			
30				
	Interest @ 10% till date of death	590	00	
		<hr/>	<hr/>	
		2590	00	
	2. Funeral Expenses	775	00	
		<hr/>	<hr/>	
		3365	00	
		<hr/>	<hr/>	
		34823	00	

4 R 25
Affidavit
and
Inventory
filed in D. C.
Jaffna
Case No. 167
Testa-
mentary
3-8-43
—continued.

The contents of the foregoing affidavit was read over and explained by me to the deponent who appeared to understand the same perfectly and signed and sworn to the truth and correctness thereof at Jaffna, this 3rd day of August, 1943.

(Sgd.) P. SELLAMMAH,
(In Tamil.)

Before me :

(Sgd.) R. R. NALLIAH,
Justice of Peace. 10

Drawn by :

(Sgd.) C. C. SOMASEGARAM,
Proctor for Petitioner.

A true copy of the Affidavit dated 3-8-43 in D. C. Jaffna case No. 167 Testy.

(Sgd.) K. A. SEBASTIAN,
Secretary, D. C. Jaffna.

(Intd.)
C. C.

IN THE DISTRICT COURT OF JAFFNA.

20

Testamentary
No. 167
Jurisdiction

In the matter of the estate of the late Ilaiyavi Arumugam of Karaiyoor, Jaffna.

Deceased.

Chellammah, wife of Pavilu Phillips of Karaiyoor, Jaffna.
Administratrix.

A just true and perfect Inventory of all the properties movable and immovable and rights and credits and goods and chattels of the estate of the abovenamed deceased by the administratrix hereof.

MOVABLES.

		Rs.	cts.	4 R 25 Affidavit and Inventory filed in D. C. Jaffna Case No. 167 Testa- mentary 3-8-43 —continued.
	1. Amount transferred from Testamentary Case No. 605 of this Court to this Case (the dispute in respect of same is pending in appeal in the said Testy. Case No. 605.	7541	27	
	2. Iron Safe	50	00	
	3. Big Almyrah	20	00	
	4. Three Small Almyrahs	40	00	
	5. Two Boxes	10	00	
10	6. Two Almyrahs Dialwood	8	00	
	7. One Table	3	00	
	8. Six Chairs	6	00	
	9. Two Benches	1	00	
10	10. Nine Big Bottles	4	50	
	11. 240 Small Bottles with Medicine and Pills and empty	4	00	
	12. Medicine worth	50	00	
	13. Four Cooking Brass Vessels	2	50	
	14. Aluminium Tiffin Carrier	1	00	
	15. Gold Medical Chet	8	00	
20	16. Four Grinding Stones	10	00	
	17. Two Motor Stones	1	00	
	18. One Iron Pestle		50	
	19. Gold Ring with blue	25	00	
	20. Medical Books and Edu.	10	00	
	21. One Small Motor		50	
	22. One St. Thomas Clock	25	00	
	23. Six Easy Chairs	6	00	
	24. Three Pictures	1	00	
	25. One Bed	8	00	
30	26. One Bench	1	50	
	27. One Sofa	4	00	
	28. Iron Presser	2	50	
	29. One Kettle	1	50	
	30. Stone Motors (2)	3	00	
	31. One Jar		50	
	32. One Mirror	2	00	
	33. One Betel Tray		50	
		7851	77	

IMMOVABLE PROPERTIES.

40	34. All that piece of land called "Santhiravantharai" in extent about 15 Kulies with house, and plantations situated at Karaiyoor, Jaffna, and bounded on the east by lane, north by the property of Pethar Sipriampillai, west by the property of Elizabeth, widow of Sepathai and south by road,	850	00
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4 R 25
Affidavit
and
Inventory
filed in D. C.
Jaffna
Case No. 167
Testa-
mentary
8-8-48
—continued.

- | | | Rs. cts. |
|-----|--|----------|
| 35. | All that piece of land called "Thavasitharai" in extent 15, 14/16 Kls. with house, boutique, well and other appurtenances situated at Karaiyoor, and bounded on the east by the property of Rapiel Santhia, north by the property of heirs of the late Elizabeth, wife of Peduru and west and south by road. | 2000 00 |
| 36. | Land called "Vilankulampulam" in extent 6 Lms. v. c. with house and appurtenances situated at Chundikkuli, and bounded on the east by the property of Devasagayampillai Thamiampillai and wife Mari-pillai, north by road, west by the property of Nicholapillai Anthiresu and wife Elizabeth and south by the property of Ariacutty Sivaguru and shareholders, worth | 1500 00 |
| 37. | All that piece of land situated at Vannarponnai East called "Uwayayady" in extent 3 Lms. v. c. and bounded on the east by the property of M. Rajasooriar, north by bye-lane, west by the property of Nagamuttu Vythilingam and on the south by the property of Kanthan Kathiravelan. | 900 00 |
| 38. | Land situated at Vannarponnai East called "Uwayayady" in extent 2 Lms. v. c. and bounded on the east and west by the property of the heirs of the late Kanapathy Kanther, north by bye-lane and south by the property of Kanthappar Sittampalam and others, worth | 700 00 |
| 39. | All that piece of land called "Uvaiyady" in extent 2 Lms. v. c. and 12, 68/100 Kls. with stone built house and other appurtenances belonging thereto situated at Vannarponnai East and bounded on the east by the property of the heirs of Kanapathy Kanther, north by bye-lane west by road and south by the property of Kanthappillai Sittampalam. | 2500 00 |
| 40. | All that piece of land situated at Vannarponnai East called "Uvaiyady" in extent 23 Lms. v. c. and bounded on the east by the property of the children of Vyramuttu Chellappah and by the property of Chellamma wife of Sithamparapillai, north by the property of Achchimuttu, wife of Kandiah, Nagamuttu, widow of Saravanamuttu and others and road, and west by road, and on the south by bye-lane and the property belonging to the heirs of Kanapathy Kanther. | 15000 00 |

41.	All that piece of land situated at Karaiyoor called "Santhiravantharai" in extent 2 Lms. v. c. and 17, 3/4th Kls. with house, kitchen and well and other appurtenances and bounded on the east and north by road, west by the property of Annappillai, widow of Iyakkoppillai and lane, and south by the property of Vythy Entry and others.	Rs. cts. 4 R 25 Affidavit and Inventory filed in D. C. Jaffna Case No. 107 Testa- mentary 3-8-43 —continued. 3200 00
42.	All that piece of land situated at Karaiyoor called "Santhiravantharai" in extent 1, 1/2 Lms. v. c. and bounded on the east by road, north by the property of the heirs of Kanapathy Kanther, west by lane, and on the south by the property of Rebecca, widow of Thambiah.	1350 00
43.	All that piece of land situated at Karaiyoor called "Santhiravantharai" in extent 1, 1/2 Lms. v. c. and bounded on the east by road, north by the property of the heirs of Kanapathy Kanther, west by lane, and south by the property John Chellathurai, worth.	1350 00
44.	All that piece of land situated at Karaiyoor called "Kudiyiruppu" in extent 2 Lms. v. c. and 2 Kls. and bounded on the east by lane, north by road, west by the property of Sinnammah, wife of Ponniah and on the south by the property of Poothar Thambippillai, worth.	3750 00
45.	All that piece of land called "Matarpulam" in extent 10 acres and 36 perches situated at Madduvilnadu in the Parish of Poonakary and bounded on the east by reservation for a road, north by lots 80 and 81 in P. P. 5624, west by Nallatannikulakadu said to be crown, and on the south by lots 77 and 78 in P. P. 5634.	255 00
46.	All that piece of land situated at Karaiyoor called "Avidaiyankadu" in extent 1 Lm. v. c. and 10, 7/16 Kls. and bounded on the east, west and south by road, north by the property of Clara, wife of Silvester. Of this 1/4th share.	150 00
47.	Land situated at Karaiyoor called "Poothan-sudukaduppulam" in extent 2 Lms. v. c. and 14 Kls. and bounded on the east by road, north by the property of the heirs of Victoria, widow of K. Saverimuttu and Sister, and south by lane.	1950 00

4 R 25
Affidavit
and
Inventory
filed in D. C.
Jaffna
Case No. 167
Testa-
mentary
8-8-43
—continued.

48.

A piece of land called "Kudiyiruppuvalavu" in extent 10, 8/10 Kls. with stone built house and other appurtenances belonging thereto, situated at Karaiyoor and bounded on the east, west by road, north by the property of Chellachchy, widow of Swamipillai and Michael Manaval and others, and south by beach road. 2500 00

Rs. cts.

45806 77

DEDUCTIONS.

Funeral expenses	..	..	500 00
Nett value of Estate	..	..	45306 77

(Sgd.) P. SELLAMMAH (In Tamil)
Administratrix.

I, Chellammah, widow of Pavilu Phillips of Karaiyoor, Jaffna do hereby solemnly sincerely and truly make oath and say as follows :—

1. I am the Administratrix abovenamed.
2. To the best of my knowledge, information and belief the abovewritten Inventory contains a just true and perfect account of all the properties movable and immovable and rights and credits and goods and chattels of the Estate of the abovenamed deceased so far as I have been able to ascertain the same with my due diligence.

The contents of the foregoing affidavit was read over and explained by me to the deponent who appeared to understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna, this 18th day of October, 1954.

(Sgd.) P. Sellammah (In Tamil)

Before me :

(Sgd.) S. PATANJALI,
J. P.

Drawn by :
(Sgd.) C. C. SOMASEGARAM,
Proctor for Administratrix.

A true copy of the Inventory filed in D. C. Jaffna Case No. 167 Testy.

(Sgd.)
Secretary. D. C. Jaffna.

(Intd.)
C. C.

4 R 11

Deed No. 2981.

4 R 11

4 R 11
Deed
No. 2981
Attested by
C. C. Somasegaram
Notary
Public
7-12-46

Application No. 3003.

The Duplicate of this Deed bears One Stamp of Rs. 10/-.

Lease.
Land one.
Rs. 720/-.

No. 2981.

10

This Indenture of lease made this Seventh day of December, One thousand nine hundred and forty six between Chellammah, wife of P. Phillip of Karaiyoor, Jaffna as executrix of the Last Will and Testament of her father the late Ilaiyavi Arumugam of Karaiyoor, Jaffna (hereinafter called the lessor) of the one part and K. Vythilingam Thampoe of Vannarponnai East (hereinafter called the lessee) of the other part witnesseth:—

20

That in consideration of the sum of Rupees one hundred (Rs. 100/-) well and truly paid by the said lessee as advance (the receipt whereof the said lessor doth hereby admit and acknowledge) and in consideration of the rent hereinafter reserved and the covenants by the lessee hereinafter contained the lessor doth hereby demise and let unto the lessee his heirs, executors, administrator and assigns all that land and godown fully described in the schedule hereto.

To have and to hold the said premises unto the lessee his heirs, executors, administrators and assigns for the term of Three (3) years from the 1st day of December, 1946.

30

Yielding and paying therefor during the said term the monthly rent of Rs. 20/- (Rupees twenty) on or before the Fifth day of every month the first of such payment to be made on or before the 5th day of January, 1947.

And the lessee doth hereby for himself and his assigns covenant with the lessor that he the lessee his heirs, executors, administrators or assigns during the said term will pay the monthly rent hereinbefore reserved on the days and in the manner aforesaid.

4 R 11
Deed
No. 2981
Attested by
C. C. Soma-
segaram
Notary
Public
7-12-46
—continued.

And at the expiration of the said term or sooner so yield up same unto the lessor and her aforewritten and the lessor shall return the said advance sum of Rs. 100/- deducting any arrears of rent due to him.

The lessee shall keep the said premises in good condition and complete repair and without any alteration except such as the lessor her heirs, executors, administrators or assigns shall approve of.

And will permit the lessor and her aforewritten and her and their agents, surveyors and workmen at all reasonable 10 times during the said term to enter upon the said premises to inspect the same.

And the lessee agreed to pay all rates, taxes and other outgoing now payable or hereafter to become payable in respect of the said premises and the lessee shall do all minor repairs including white washing.

Provided always that if any part of the said rent shall be in arrears for over 3 months whether lawfully demand or not or there shall be a reach of any of the covenants by the lessee herein contained the lessor her heirs, execu- 20 tors, administrators or assigns may re enter upon the said premises and immediately thereupon the said term shall determine.

And the lessor doth hereby covenant that the lessee his heirs, executors, administrators and assigns performing and observing all the covenants by the lessee, herein contained may quietly hold and enjoy the said premises during the said term without any interruption by the lessor or any person claiming through her.

In witness whereof we the said Chellammah, wife of 30 P. Phillip and K. Vythilingam Thampoe do hereunto and to two others of the same tenor and date as these presents set out hands at Vannarponnai, on this Seventh day of December, One thousand nine hundred and forty six.

Schedule referred to above.

All that godown bearing assessment No. 29 standing in the land called "Uvaiyady" in extent 23 Lms. v. c. situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna Northern Province and the said godown bearing assessment No. 28 40

in extent one kuly (1 kuly) is bounded on the east by godown belonging to the lessor bearing assessment No. 30, north by road, west by road, and south the remaining portion of this land belonging to the lessor hereof. Together with the right of using the well and latrine standing in the said land to the south of the said godown.

4 R 11
Deed
No. 2981
Attested by
C. C. Somasegaram
Notary
Public
7-12-46
—continued.

P. Chellammah (Sgd. In Tamil) This is the signature of P. Chellammah.

K. V. Thampoe (Sgd. In Tamil) This is the signature of K. V. Thampoe.

10

Signed in the presence of us .

Witnesses :

1. (Sgd.) K. Kanagaratnam.
2. (Sgd.) S. Sinnathurai.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

I, Canthavanam Chelliah Somasegaram, of Jaffna, Notary Public do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Chellammah, wife of P. Phillip and K. Vythilingam Thampoe both of whom are known to me and both of whom signed in Tamil in the presence of Kandiah Kanagaratnam of Chundikkuly and Seplappali Sumathurai of Chiviatheru the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executants and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Vannarponnai Jaffna on this Seventh day of December, One thousand nine hundred and forty six.

20

I further certify and attest that the said advance sum of Rs. 100/- was paid in my presence and the duplicate hereof bears stamps to the value of Rs. 10/- and the original bears stamp of the value of Re. 1/-.

80

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

Date of Attestation :
7th December, 1946.

(Seal)

4 R 11
Deed
No. 2981
Attested by
C. C. Soma-
segaram
Notary
Public
7-12-46
—continued.

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of Lease made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Chankanai.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 10-12-1955.

4 R 12
Deed
No. 2982
Attested by
C. C. Soma-
segaram
Notary
Public
7-12-46

4 R 12

10

Deed No. 2982.

4 R 12

Application 3003/6-12-55.

The Duplicate of this Deed bears One Stamp of Rs. 10/-.

Lease.

Land One.

Rs. 540/-.

No. 2982.

This Indenture of Lease made this Seventh day of December, One thousand nine hundred and forty six 20 between Chellammah, wife of P. Phillip of Karaiyoor, Jaffna as executrix of the Last Will and Testament of her father the late Ilaiyavi Arumugam of Karaiyoor, Jaffna (hereinafter called the Lessor) of the one part and Kumaraswamy Ramaswamy of Nallore (hereinafter called the Lessee) of the other part witnesseth :—

That in consideration of the sum of Rupees One hundred (Rs. 100/-) well and truly paid by the said lessee as advance (the receipt whereof the said lessor doth hereby admit and acknowledge) and in consideration of the rent 30 hereinafter reserved and the covenants by the lessee hereinafter contained the lessor doth hereby demise and let unto the lessee his heirs, executors, administrators and assigns all that land and godown fully described in the schedule hereto.

To have and to hold the said premises unto the lessee his heirs, executors, administrators and assigns for the term of Three (3) years from the 1st day of December, 1945.

4 R 11
Deed
No. 2982
Attested by
C. C. Somasegaram
Notary
Public
7-12-46

Yielding and paying therefor during the said term the monthly rent of Rs. 15/- (Rupees fifteen) on or before the Fifth day of every month the first of such payment to be made on or before the 5th day of January, 1947. —continued.

10 And the lessee doth hereby for himself and his assigns covenant with the lessor that he the lessee his heirs, executors, administrators and assigns during the said term will pay the monthly rent herein before reserved on the days and in the manner aforesaid.

And at the expiration of the said term or sooner so yield up same unto the lessor and her aforewritten and the lessor shall return the said advance sum of Rs. 100/- deducting any arrears of rent due to her.

20 The lessee shall keep the said premises in good condition and complete repair and without any alteration except such as the lessor, her heirs, executors, administrators or assigns shall approve of.

And will permit the lessor and her aforewritten and her and their agents, surveyors and workmen at all reasonable times during the said term to enter upon the said premises to inspect the same.

And the lessee agreed to pay all rates, taxes and other outgoing now payable or hereafter to become payable in respect of the said premises and the lessee shall do all minor repairs including white washing.

30 Provided always that if any part of the said rent shall be in arrears for over 3 months whether lawfully demanded or not or there shall be a breach of any of the covenants by the lessee herein contained the lessor her heirs, executors, administrators or assigns, may re enter upon the said premises and immediately thereupon the said term shall determine.

40 And the lessor doth hereby covenant that the lessee his heirs, executors, administrators, assigns performing and observing all the covenants by the lessee herein contained may quietly hold and enjoy the said premises during the

4 R 11
Deed
No. 2982
Attested by
C. C. Somasegaram
Notary
Public
7-12-46
—continued.

said term without any interruption by the lessor or any person claiming through her.

In witness whereof we the said Chellammah, wife of P. Phillip and Kumaraswamy Ramasamy do hereunto and to two others of the same tenor and date as these presents set our hands at Vannarponnai on this Seventh day of December, One thousand nine hundred and forty six.

Schedule referred to above.

All that godown bearing assessment No. 30 standing 10 in the land called "Uvaiyady" in extent 23 Lms. v. c. situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province and the said godown bearing assessment No. 30 in extent about half kuly (1/2 Kl) is bounded on the east by the remaining portion of this land belonging to the lessor hereof, west by godown bearing No. 28 belonging to the lessor, north by road, and south by the remaining portion of this land belonging to the lessor hereof. Together with the right of using the well and latrines standing 20 in the said land to the south of the said godown.

P. Chellammah (Sgd. In Tamil)

This is the signature of P. Chellammah.

K. Ramasamy (Sgd. In Tamil)

This is the signature of K. Ramasamy.

Signed in the presence of us.

Witnesses :

1. (Sgd.) K. Kanagaratnam.
2. (Sgd.) S. Sinnathurai.

(Sgd.) C. C. SOMASEGARAM, 30
Notary Public.

I, Canthavanam Chelliah Somasegaram of Jaffna, Notary Public, do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Chellammah, wife of P. Phillip and Kumaraswamy Ramasamy both of whom are known to me and both of whom signed in Tamil in the presence of Kandiah Kanagaratnam of Chundikkuly and Sellappah Sinnathurai of

Chiviateru the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executants and also by the said witnesses in my presence and in the presence of one another all being present at the same time, at Vannarponnai, Jaffna on this Seventh day of December, One thousand nine hundred and forty six.

4 R 11
Deed
No. 2982
Attested by
C. C. Somasegaram
Notary
Public
7-12-46
—continued.

10 I further certify and attest that the advance sum of Rs. 100/- was paid in my presence and the duplicate hereof bears stamps to the value of Rs. 10/- and the original stamp of the value of Re. 1/-.

(Sgd. C. C. SOMASEGARAM,
Notary Public.

Date of Attestation :
7th December, 1946.

(Seal)

20 I, P. Aseervatham, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of lease made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Changanai.

(Sgd.) P ASEERVATHAM,
Registrar of Lands.

Land Registry,
Jaffna 12-12-1955.

14 R 2

Deed No. 5410

14 R 2

The Duplicate bears Two Stamps to the value of Rs. 1-50.

Translation.

80. Transfer Deed.
Land 1.
Rs. 300/-

Prior Regn., Jaffna, D 22/157.

No. 5410.

Know all men by these presents that We, Sinnacheny, widow of Kanthan Sinnavy, Kannaththai, daughter of

14 R 2
Deed
No. 5410
Attested by
V. Kumara-
samy
Notary
Public
30-1-47

14 R 2
Deed
No. 5410
Attested by
V. Kumara-
swamy
Notary
Public
80-1-47
—continued.

Sinnavy and Poothan Vairavan of Vannarponnai West, Jaffna executed deed of transfer of land in favour of Muththy, daughter of Sinnavan of the same place to wit :—

The land belonging to the 1st named of us by right of purchase and the 2nd named of us by right of mudusom under and by virtue of the deed of transfer executed in favour of the late Kanthan Sinnavy husband of the 1st named of us and father of the 2nd named of us and the transferred hereof dated 20th June, 1904 attested by S. K. Abraham, Notary under No. 915 and further by virtue of 10 the deed of transfer dated 25th January, 1917 and perfected at the Fiscal's Office Jaffna under No. 18 is held and possessed by the 3rd named of us by right of purchase and the 1st named of us by right of life-interest and in our possession and described as follows :—

Land situated at Vannarponnai West in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province called "Palluvilithoddam" in extent Fifteen upon sixteen lachchams varagu culture (15/16 Lm. v. c.) with cultivated plants and shed and bounded on the 20 east by the property of Annammah, wife of Tharumalingam, north by lane, west by the property of Veluppillai Kanapathippillai and his brothers and sisters, and south by the property of Ambalavanai Suppahpillai out of the whole hereof, excluding the 1/8th share belonging to the transferee, the three fourth (3/4th) share belonging to us.

We have hereby sold and transferred the said share of land with its appurtenances at and in consideration of the price of Rupees Three hundred (Rs. 300/-) and we have received the said sum of Rupees Three hundred from her 30 in full. Therefore the said Muthy shall hereafter forever hold and possess the said share of land as her own property. Further declaring, that the said land is not in any way alienated or encumbered, and handing over a copy of the 1st mentioned title deed and the 2nd deed annexed herewith we have executed this deed of transfer.

In witness whereof we the said executants in the presence of Arndiappah Muthuthamby and Velu Saravana-

muthu of Vannarponnai West, these being the witnesses hereto, at the residence of Vaithilingam Kumaraswamy at Vannarponnai West set our signatures to three of the same tenor on this Thirtieth day of January, One thousand nine hundred and seventeen.

14 R 2
Deed
No. 5410
Attested by
V. Kumara-
swamy
Notary
Public
30-1-17
—continued.

Witnesses :

(Sgd.) A. Muthuthamby.

(Sgd.) V. Saravanamuthu.

—Mark of Sinnachchy.

10

—Mark of Kannaththai.

—Mark of Vairavan.

(Sgd.) V. KUMARASWAMY,

Notary Public.

20

I, Vaithialingam Kumuraswamy, Notary Public within the Jaffna Division do hereby certify and attest that I read over and explained the foregoing instrument to the said Sinnachchy, widow of Kanthan Sinnavy and Kannaththai, daughter of Sinnavy and Poothan Vairavan the executants hereof all of whom set their signatures hereto by their marks, in the presence of Arndiappah Muthuthamby and Velu Saravanamuthu of Vannarponnai West, the subscribing witnesses hereto, that I know all such persons, that the said Sinnachchy, Kannaththai and Vairavan and the witnesses in my presence and in the presence of one another all being present at the same time at the aforesaid place at Vannarponnai West set their signatures hereto on this 30th day of January, 1917.

30

I further certify and attest that the consideration expressed herein was acknowledged to have been received earlier, that the duplicate hereof bears two stamps to the value of Rs. 1-50 which were supplied by me, and that the

14 R 2
Deed
No. 5410
Attested by
V. Kumara-
swamy
Notary
Public
30-1-47
—continued.

errors herein were rectified by me before the foregoing has been duly read over and explained by me as aforesaid.

(Sgd.) V. KUMARASWAMY,
Notary Public.

Date of Attestation :
30th January, 1917.

(Seal)

Translated by me:

S. Kandiah,
S. T. D. C. Jaffna.
17-12-56.

10

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of transfer made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 17-12-1955.

20

4 R 8
Affidavit of
K. V. Sinna-
thurai
filed in D. C.
Jaffna
Case
No. 33
7-7-49

4 R 8

Affidavit of K. V. Sinnathurai.

4 R 8

IN THE DISTRICT COURT OF JAFFNA.

Elaivy Arumugam Administrator of the Estate of the late Kandar.

Plaintiff.

Chellammah, wife of P. Phillip as Administratrix de bonis non of the estate of the late Kandar in Testy. case No. 605 D. C. Jaffna.

30

Substituted Plaintiff.

Vs.

No. 33. K. V. Sinnathurai of Stanley Road, Jaffna.

Defendant.

K. V. Sinnathuari of Stanley Road, Jaffna.

Defendant Petitioner.

Vs.

Chellammah, wife of P. Phillip as Administratrix de bonis non of the estate of the late Kandar in Testy. case No. 605 D. C. Jaffna.

4 R 8
Affidavit of
K. V. Sinna-
thurai
filed in D. C.
Jaffna
Case
No. 33
7-7-49
—continued.

Subst. Plaintiff Respondent.

I, K. V. Sinnathurai of Stanley Road, Jaffna do hereby solemnly, sincerely and truly declare and affirm as follows.

10

1. That I am the petitioner abovenamed.

2. That judgment was entered against me for Rs. 700/- and further rent at Rs. 14/- from January, 1943.

3. That on the date of judgment a sum of Rs. 100/- was paid.

4. That up to 7th May, 1946 a sum of Rs. 550/- was paid to the substituted respondent.

5. That after 7th May 1946 payments were made by Cheques to the substituted plaintiff respondent as follows.

	Cheque Nos.		Rs.	cts.
20	303781	24-8-46	75	00
	303784	25-9-46	25	00
	303786	31-10-46	25	00
	303793	30-11-46	25	00
	303797	16-12-46	25	00
	383184	26-3-47	25	00
	383188	3-5-47	25	00
	383193	3-6-47	20	00
	383195	4-7-47	14	00
	383200	11-8-47	14	00
30	365742	20-10-47	28	00
	410803	19-11-47	14	00
	410810	18-12-47	50	00
	410824	2-3-48	20	00
	410837	4-5-48	14	00
	410850	26-6-48	28	00
	463914	2-8-48	14	00
	463947	21-9-48	14	00
	468511	16-10-48	14	00

4 R 8
Affidavit of
K. V. Sinna-
thurai
filed in D. C.
Jaffna
Case
No. 33
7-7-49
—continued.

		Rs.	cts.
468547	18-12-48	50	00
495664	10-2-48	14	00
495668	4-3-49	14	00
495677	2-4-49	100	00
495682	6-5-49	05	00
		<hr/>	
		697	00
Taxes paid upto 1947 inclusive		181	62
Taxes due for 1948		29	32
Repairs made to Doors and Floor		24	00 10
		<hr/>	
		931	94
Cheque of 6-7-49		200	00

6. That the substituted plaintiff respondent did not give receipts after 7-5-46 for the Cheques received by her and the amounts paid as taxes on her behalf though requested to do so.

7. That the feelings between the parties were cordial till February, 1949 and whenever the substituted plaintiff respondent wanted money she received money from me.

8. That in February she wanted me to quit one of 20 rooms, the big one to run a Tea Kiosk and I did not consent.

9. That I requested to look into the payments and settle the decree the said substituted plaintiff respondent put off the affair and after the receipts of payments of Rs. 100/- and Rs. 50/- has come to Court and has made an application for execution of decree.

10. As a matter of law I state that the substituted plaintiff respondent who is a married woman cannot act as Administratrix de bonis non without the consent of her 30 husband who is living.

11. It is therefore necessary that the payments mentioned in this application be certified and satisfaction of decree be entered up to the end of June, 1949 and the

application of the substituted plaintiff respondent for execution of decree be dismissed.

4 R 8
Affidavit of
K. V. Sinnathurai
filed in D. C.
Jaffna
Case
No. 33
7-7-49
—continued.

Signed and affirmed to the truth and correctness hereof at Jaffna this 7th day of July, 1949.

(Sgd.) K. V. Sinnathurai.

Before me,

(Sgd.) S. R. ARIANAYAGAM,
C. O.

10

True copy of affidavit dated 7-7-1949 filed of record in Case No. 33 D. C. Jaffna

(Sgd.) K. A. SEBASTIAN,
Secretary, D. C. Jaffna.

Compared by :

(Intd.)

4 R 6

Deed No. 3843

4 R 6

4 R 6
Deed
No. 3843
Attested by
C. C. Somasegaram
Notary
Public
16-6-51

Application No. 2945 29-11-55.

20 The Duplicate bears Four Stamps of the value of Rs. 95/-.

Transfer :

1 Land :

Rs. 6000/-.

No. 3843

To all to whom these presents shall come Pavilu Phillip and wife Chellammah and Rasamany, widow of Sinnaddy Muttu, all of Karaiyoor, Jaffna (hereinafter sometimes called and referred to as the vendors) send greetings.

30

Whereas under and by right of inheritance from their late father Elaiyavi Arumugam of Karaiyoor sole heir to the

4 R 6
Deed
No. 3843
Attested by
C. C. Somasegaram
Notary
Public
16-6-51
—continued.

estate of the late Kanapathy Kanther administered in Testamentary case No. 605 of the District Court of Jaffna who was entitled to the land fully described in the schedule hereto under and by virtue of transfer deed dated 7th April, 1937 and attested by W. B. Canagaratne, Notary Public under No. 204 the said 2nd and 3rd vendors are seized and possessed of the said land fully described in the schedule hereto and whereas the said vendors have agreed for the absolute sale and assignment to Emily, wife of S. Thommaippillai of Eachchamoddai Chundikkuli (herein-10 after sometimes called and referred to as the purchaser) of the said premises intended to be hereby granted and conveyed free from encumbrances at the price or sum of Rupees six thousand only (Rs. 6000/-.)

Now know ye and these presents witness that the said vendor in pursuance of the said agreement and in consideration of the sum of Rupees six thousand only (Rs. 6000/-) being dowry money of the said purchaser (receipt whereof the said vendors do hereby admit and acknowledge) do hereby grant convey assign transfer set 20 over and assure unto the said purchaser her heirs, executors, administrators and assigns the land more particularly, described and set forth in the schedule to these presents together with the appurtenances whatsoever to the said premises belonging or in anywise appurtenant or usually held and enjoyed therewith or reputed to belong or be appurtenant thereto and all the estate right title interest claim and demand whatsoever of the said vendors in to out of and upon the said premises and every part thereof.

To have and to hold the said premises hereby granted 80 and conveyed or expressed so to be with all the rights easements and appurtenances unto the said purchaser her heirs, executors, administrators are assigns absolutely for ever and the said vendors for themselves their heirs, executors and administrators do hereby covenant with the said purchaser his heirs, executors, administrators and assigns that the said premises hereby sold and conveyed are free from all encumbrances whatsoever. And that the said purchaser and his aforewritten may at all times hereafter quietly, enter into hold and enjoy the said premises 40 without any eviction or interruption and that the said vendors and their aforewritten shall and will at all times hereafter warrant and defend the said premises and every part thereof unto the said purchaser and his aforewritten against any person or persons whomsoever and also shall and will at all times hereafter at the request and cost

of the said purchaser and his aforewritten do and execute or cause to be done and executed all such further and other acts deeds assurances matters and things whatsoever for further and more perfectly assuring, the premises and every part thereof unto the said purchaser and his aforewritten in manner aforesaid as shall or may be reasonably required.

4 R 6
Deed
No. 3843
Attested by
C. C. Somasegaram
Notary
Public
16-1-51
—continued.

The Schedule referred to.

10 All that piece of land called "Vilankulampulam" situated at Chundikkuly in the Parish of Chundikkuly of the Division and District of Jaffna, Northern Province in extent four lachchams Varagoo culture (5 Lms. v. c.) with well, house, kitchen and cultivated and spontaneous plantations and bounded on the east by the property of Devasagayampillai Thamiampillai and wife Marypillai, north by road, west by the property of Nicholappillai Anthiresu and wife, Elizabeth, and south by the property of Ariacutty Sivaguru and shareholders.

20 In witness whereof the said vendors Pavilu Phillip and wife, Chellammah and Rasamany widow, of Sinnaddy Muttu hereunto and to two others of the same tenor and date as these presents set their hands at Vannarponnai on this sixteenth day of June, One thousand nine hundred and fifty one.

(Sgd.) Illegibly.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executants and know proper name, occupation and residence.

This is the signature P. Chellammah (Signature)
P. Chellammah.

80 This is the signature M. Rasamany (Signature)
of Rasamany.

Witnesses :

1. S. Anthonippillai (Signature) of S. Anthonippillai.
2. S. Ratnam (Signature) This is the signature of S. Ratnam.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

1 R 6
Deed
No. 3843
Attested by
C. C. Somasegaram
Notary
Public
16-1-51
—continued.

I, Canthavanam Chelliah Somasegaram of Vannarponnai, Jaffna Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me to the said Pavilu Phillip and wife Chellammah and Rasamany, widow of Sinnaddy Muttu all of whom are known to me and of whom the first named signed in English as "P. Phillip" and the second and third named signed in Tamil in the presence of Santhio Anthonipillai of Mt. Camel Road, Karaiyoor and Saminather Ratnam of Russel Square Road, Karaiyoor the subscribing 10 witnesses hereto both of whom are also known to me, same was signed by the said executants and also by the said witnesses and by me the said Notary in my presence and in the presence of one another all being present at the same time at Vannarponnai on this sixteenth day of June, One thousand nine hundred and fifty one.

I further certify and attest that the consideration expressed herein was acknowledged to have been received and that the duplicate of this instrument bears four stamps of the value of Rs. 95/- and the original one stamp 20 of the value of Re. 1/-.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

Date of Attestation :

16th June, 1951.

(Seal)

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of Transfer made from the duplicate filed of record in this office and the same is granted on the application of Mr S. 30 Sivagnanam of Chankanai.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,

Jaffna, 6-12-1955.

4 R 7

Deed No. 3842

4 R 7

Appln. No. 2945/29-11-55

4 R 7
Deed
No. 3842
Attested by
C. C. Somasegaram
Notary
Public
16-6-51

The Duplicate bears Three Stamps of the value of Rs. 31/-.

Transfer.
1 Land.
Rs. 2000/-.

No. 3842.

10

To all to whom these presents shall come Pavilu Phillip and wife Chellammah and Rasamany, widow of Sinnaddy, Muttu all of Karaiyoor, Jaffna (hereinafter sometimes called and referred to as the vendors) send greeting whereas vendor and by right of inheritance from their late father Elaiyavi Arumugam of Karaiyoor sole heirs to the estate of the late Kanapathy Kanther, administered in Testamentary case 605 of the District Court Jaffna and by deed No. 3839 of 14 June, 1951 attested by Notary attesting these presents in favour of the said estate the said 2nd and 3rd vendors are seized and possessed and are well and sufficiently entitled to the land fully described in the schedule hereto.

20

And whereas the said vendors have agreed for the absolute sale and assignment to Antonippillai Chellathurai and wife Mariamma both of Karaiyoor (hereinafter sometimes called and referred to as the purchasers) of the said premises intended to be hereby granted and conveyed free from encumbrances at the price or sum of Rupees Two thousand only (Rs. 2000/-.)

30

Now know ye and these presents witness that the said vendor in pursuance of the said agreement and in consideration of the sum of Rupees Two thousand (Rs. 2000/-) well and truly paid by the said purchasers (receipt whereof the said vendors do hereby admit and acknowledge) do hereby grant convey assign transfer set over and assure unto the said purchasers do heirs, executors, administrators and assigns the land more particularly described and set forth in the schedule to these presents together with the appurtenances whatsoever to the said premises belonging or in

4 R 7
Deed
No. 3842
Attested by
C. C. Soma-
segaram
Notary
Public
16-6-51
—continued.

anywise appurtenant or usually held and enjoyed therewith or reputed to belong or be appurtenant thereto, and all the estate right, title, interest, claim and demand whatsoever of the said vendors into out of and upon the said premises and every part thereof.

To have and to hold the said premises hereby granted and conveyed or expressed so to be with all the rights easements and appurtenances unto the said purchasers their heirs, executors, administrators and assigns absolutely, for ever. 10

And the said vendors for themselves their heirs, executors, and administrators do hereby covenant with the said purchasers their heirs, executors, administrators and assigns that the said premises hereby sold and conveyed are free from all encumbrances whatsoever. And that the said purchasers and their aforewritten may at all times hereafter quietly enter into hold and enjoy the said premises without any eviction or interruption and the said vendors and their aforewritten shall and will at all times hereafter warrant and defend the said premises and every part thereof unto the said purchasers and their aforewritten against any person or persons whomsoever and also shall and will at all times hereafter at the request and cost of the said purchasers and their aforewritten do and execute or cause to be done and executed all such further and other acts deeds assurances matters and things whatsoever for further and more perfectly assuring the premises and every part thereof unto the said purchasers and their aforewritten in manner aforesaid as shall or may be reasonably required. 20

The Schedule referred to.

30

All that divided lot on the north marked 1 in extent Five and five eighth Kulies of and in all that piece of land called "Kudiyiruppuvalavil" in extent 10, 8/10 Kulies but according to survey in extent 11, 1/4th Kulies situated at Karaiyoor in the Parish of Chundikkuli in the Division and District of Jaffna, Northern Province and which said lot on the north in the plan No. 576, dated 9th June, 1951 and made by J. Manuel, Licensed Surveyor, in extent 5, 5/8th Kulies with house and other appurtenances is bounded on the east and west by road, north by the property of Rasamma, wife of Rasenthiram and others, and south by the remaining portion of this land lot 2, sold to Santhio Pancras and wife Luthumma. 40

In witness whereof the said vendors Pavilu Phillip and

wife Chellammah and Rasamany widow of Sinnaddy Muttu hereunto and to two others of the same tenor and date as these presents set their hands at Vannarponnai on this sixteenth day of June, One thousand nine hundred and fifty one.

4 R 7
Deed
No. 3842
Attested by
C. C. Somasegaram
Notary
Public
16-6-51
—continued.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executants and know proper name, occupation and residence.

(Sgd.) Illegibly.

10 This is the signature of (In Tamil) P. Chellammah (Sgd.)
of Chellammah.

This is the signature of (In Tamil) M. Rasamany (Sgd.)
of Rasamany.

Witnesses :

1. S. Anthonippillai (Sgd. In Tamil) This is the signature of
S. Anthonippillai.
2. S. Ratnam (Sgd. In Tamil) This is the signature of
S. Ratnam.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

20

80 I, Canthavanam Chelliah Somasegaram, of Vannarponnai, Jaffna Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me to the said Pavilu Phillip and wife Chellamma and Rasamany, widow of Sinnaddy Muttu all of whom are known to me and of whom the first named signed in English as "P. Phillip" and the second and third named signed in Tamil in the presence of Santhio Anthonippillai of Mt. Carmel Road, Karaiyoor and Samunather Ratnam of Russel Square Road, Karaiyoor the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executants and also by the said witnesses and by me the said Notary in my presence and in the presence of one another all being present at the same time at Vannarponnai on this sixteenth day of June, One thousand nine hundred and fifty one.

4 R 7
Deed
No. 3842
Attested by
C. C. Soma-
segaram
Notary
Public
16-6-51
—continued.

I further certify and attest that out of the consideration expressed herein a sum of Rs. 1500/- was paid in my presence and that the balance acknowledged to have been received and the duplicate of this instrument bears three stamps of the value of Rs. 31/- and the original one stamp of the value of Re. 1/-.

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

(Seal)

Date of attestation :
16th June, 1951.

10

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of transfer made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Chankanai.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 6-12-1951.

20

4 R 10
Deed
No. 3981
Attested by
B. Joachim-
pillai
Notary
Public
5-3-52

4 R 10

Deed No. 3981.

4 R 10

Application No. 3189/29-12-56

Duplicate bears Two Stamps of the value of Rs. 15/-.

Transfer.
1 Land.
Rs. 1000/-.

No. 3981.

To all to whom these presents shall come Chellammah 30
wife of Pavilu Phillip of Karaiyoor, Jaffna (hereinafter
sometimes called and referred to as the vendor) send
greeting.

Whereas under and by virtue of transfer deed dated the 12th day of October, 1937 and attested by B. Joachimpillai, Notary Public under No. 19417 the vendor is seized and possessed of the land fully described in the schedule hereto.

4 R 10
Deed
No. 8981
Attested by
B. Joachim-
pillai
Notary
Public
5-3-52

And whereas the husband of the said vendor Pavilu Phillip is living in separation from her for the last fifteen years.

10 And whereas the said vendor has agreed for the absolute sale and assignment to Rasamany, widow of Muttu of Karaiyoor, Jaffna (hereinafter sometimes called and referred to as the purchaser) of the said premises intended to be hereby granted and conveyed free from encumbrances at the price or sum of Rupees One thousand only (Rs. 1000/-),

20 Now know ye and these presents witness that the said vendor in pursuance of the said agreement and in consideration of the sum of Rupees One thousand (Rs. 1000/-) well and truly paid by the said purchaser (receipt whereof, the said vendor doth hereby admit and acknowledge) doth hereby grant convey assign transfer set over and assures unto the said purchaser her heirs, executors, administrators and assigns, the land more particularly described and set forth in the schedule to these presents together with the appurtenances whatsoever to the said premises belonging or in anywise appurtenant or usually held and enjoyed therewith or reputed to belong or be appurtenant thereto and all the estate right title interest claim and demands whatsoever of the said vendor into out
30 of and upon the said premises and evèry part thereof.

To have and to hold the said premises hereby granted and conveyed or expressed so to be with all the rights easements and appurtenances unto the said purchaser her heirs, executors, administrators and assigns absolutely for ever.

40 And the said vendor for herself and her heirs, executors and administrators do hereby covenant with the said purchaser her heirs, executors, administrators and assigns that the said premises hereby sold and conveyed are free from all encumbrances whatsoever and that the said purchaser and her aforewritten may at all times hereafter quietly enter into hold and enjoy the said premises without any eviction or interruption and that the said vendor and her aforewritten shall and will at all times hereafter

4 R 10
Deed
No. 8981
Attested by
B. Joachim-
pillai
Notary
Public
5-8-52
—continued.

warrant and defend the said premises and every part thereof unto the said purchaser and her aforewritten against any person or persons whomsoever and also shall and will at all times hereafter at the request and cost of the said purchaser and her aforewritten do and execute or cause to be done and executed all such further and other acts deeds assurances matters and things whatsoever for further and more perfectly assuring the premises and every part thereof unto the said purchaser and her aforewritten in manner aforesaid as shall or may be reasonably required.

10

Schedule referred to.

An undivided half, (1/2) share of all that piece of land situated a Karaiyoor in the Parish of Chundikkuly in the Division and District of Jaffna, Northern Province called "Santhiravantharai" in extent about fifteen Kulis (15 Kls.) with house and cultivated and spontaneous plantations and bounded on the east by lane, north by the property of Peththar Sipiriyampillai, west by the property of Elizabeth widow of Sebatheu, and on the south by road.

In witness whereof the said vendor Chellammah, wife 20 of Pavilu Phillip hereunto and to two others of the same tenor and date as these presents set her hands at Vannarponnai on this fifth day of March, One thousand nine hundred and fifty two.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executant and know proper name occupation and residence.

P. Chellammah (Sgd. In Tamil)

This is the signature of Chellammah.

Witnesses :

80

1. P. Chrysestom (Sgd. In Tamil)

This is the signature of P Chrysestom.

2. M. Ponnampalam (Sgd. In Tamil)

This is the signature of M. Ponnampalam.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

I, Canthavanam Chelliah Somasegaram of Vannar-
 ponnai, Jaffna Notary Public, do hereby certify and
 attest that the foregoing instrument having been duly read
 over and explained by me to the said Chellammah, wife of
 Pavilu Phillip who is known to me and who signed in Tamil
 in the presence of Phillip Chrysestom of Karaiyoor, Jaffna
 and Mailvaganam Ponnampalam of Vannarponnai East,
 the subscribing witnesses hereto both of whom are also known
 to me the same was signed by the said executant and also
 by the said witnesses and by me the said Notary in my
 presence and in the presence of one another all being
 present at the same time at Vannarponnai on this fifth day
 of March, One thousand nine hundred and fifty two.

4 R 10
 Deed
 No. 3981
 Attested by
 B. Joachim-
 pillai
 Notary
 Public
 5-3-52
 —continued.

10

20

I further certify and attest that the consideration ex-
 pressed herein was paid in my presence and that before the
 foregoing instrument was read over and explained by me
 as aforesaid in the duplicate in page 2 line 26 “ three fourth
 (3/4)” struck off and “ half (1/2)” interpolated and that the
 duplicate of this instrument bears two stamps of the value
 of Rs. 15/- and the original one stamp of the value of
 Re. 1/-.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

Date of Attestation :

5th March, 1952.

(Seal)

30

I, K. Duraiappah, Registrar of Lands of Jaffna do
 hereby certify that the foregoing is a true copy of a deed
 of transfer made from the duplicate filed of record in this
 office and the same is granted on the application of Mr. S.
 Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,

Registrar of Lands.

Land Registry,

Jaffna, 31-12-1955.

4 R 23
Mortgage
Bond
Attested by
C. C. Soma-
segaram
Notary
Public
5-3-52

4 R 23

Mortgage Bond No. 3982

4 R 23

Application No. 2945/29-11-55.

The Duplicate bears One Stamp of the value of Rs. 10/-.

Mortgage.

1 Land.

Rs. 1000/-

No. 3982

Know all men by these presents that I Rasamany 10 widow of Muttu of Karaiyoor, Jaffna (hereinafter called the mortgagor) am held and firmly bound and do hereby acknowledge to be justly and truly indebted to Kanthan Veluppillai of Vannarponnai East (hereinafter called the mortgagee) in the sum of Rupees One thousand only (Rs. 1000/-) of lawful money of Ceylon which I have this day borrowed and received of and from the said Kanthan Veluppillai and I therefore renouncing the beneficium non numerate pecunia the meaning of which has been explained to me agree and undertake and bind myself heirs, executors, 20 administrators and assigns to pay the said sum of Rs. 1000/- and interest that might accrue thereon to the said Kanthan Veluppillai his heirs, executors, administrators and assigns on demand and until such payment engage and bind myself and my aforewritten to pay interest on the said sum of Rs. 1000/- at and after the rate of Twelve (12) per cent per annum but if the interest were paid every six months then such half yearly interest shall be at and after the reduced rate of Ten (10) per cent per annum.

And for securing the due payment of the said sum of 80 Rs. 1000/- and interest which might accrue thereon at and after the rate aforementioned I, the said mortgagor do hereby specially hypothecate and mortgage to and with the said mortgagee by way of primary mortgage free from all encumbrances the property described in the schedule to these presents and all the estate right title interest claim and demand whatsoever of me into upon or out of the said premises which said premises have been held and possessed by me under and by right of Last Will proved in Testamentary case No. 167 of the District Court of Jaffna and 40

left behind by my late father Elaiyavi Arumugam who held and possessed by right of inheritance from his cousin Kanapathy Kanther whose estate was administered in Testamentary case No. 605 of the District Court of Jaffna and who held and possessed same by virtue of Transfer deeds dated 14th January, 1920 and 15 th June, 1909 and attested by B. Joachimpillai, Notary Public, under Nos. 9406 and 2411.

4 R 23
Mortgage
Bond
Attested by
C. C. Soma-
segaram
Notary
Public
5-3-52
—continued.

Schedule referred to above.

10

All those two allotments of land called "Santhiravantharai" in extent 1, 1/2 Lms. v. c. Registered in D56/302 and Do. in extent 1, 1/2 Lms. v. c. Registered in D46/68 both forming one block of land in extent Three Lachchams Varagoe culture (3 Lms. v. c.) situated at Karaiyoor in the Parish of Chundikkuly in the Division and District of Jaffna, Northern Province and Registered originally in D32/204 with house, well and plantations is bounded on the east by road, north by the property of the mortgagor hereof and her sister Chellammah, west by land and south by the property of A. Francis and sister.

20

And I the said mortgagor hereby covenant and declare with the said mortgagee and his aforewritten that I have good and legal right to mortgage the said premises in manner aforesaid and that the said premises are free from all encumbrances whatsoever.

30

And that I shall and will at all times during the continuance of these presents do and execute or cause to be done and executed all such further and other acts deeds matters and things which may be necessary or expedient for the better or more perfectly assuring the said premises or any part thereof by way of mortgage unto the said mortgagee and his aforewritten as may be reasonably required and I do declare further to engage and bind myself and my heirs, executors and administrators for the true performance of this obligation.

4 R 23
Mortgage
Bond
Attested by
C. C. Soma-
segaram
Notary
Public
5-3-52
—continued.

In witness whereof I the said mortgagor do hereunto and to two others of the same tenor as these presents set my hand at Vannarponnai this fifth day of March, One thousand nine hundred and fifty two.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executants and know proper name occupation and residence.

This is the signature

(Sgd.) M. Rasamany (In Tamil)

of Rasamany. 10

Witnesses :

1. (Sgd.) P. Chrysestom.

This is the signature of P. Chrysestom.

2. (Sgd.) S. Soosaippillai (In Tamil)

This is the signature of S. Soosaippillai.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

I, Canthavanam Chelliah Somasegaram, of Jaffna Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained 20 by me to the said Rasamany, widow of Muttu who signed in Tamil and who is known to me in the presence of Philip Chrysestom and Arulappu Soosaippillai both of Karaiyoor, Jaffna the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executant and also by the said witnesses and by me the said Notary in my presence and in the presence of one another all being present at the same time at Vannarponnai on the fifth day of March, One thousand nine hundred and fifty two.

30

I further certify and attest that the consideration expressed herein was paid in my presence and that before the foregoing instrument was read over and explained by me as aforesaid in the original in page 3 line 1 "We" struck off and that the duplicate of this instrument bears one stamp

to the value of Rs. 10/- and original one stamp of the value of Rs. 1/-.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

4 R 23
Mortgage
Bond
Attested by
C. C. Soma-
segaram
Notary
Public
5-3-52
—continued.

Date of attestation.
5th March, 1952.

(Seal)

10

I, K. Duraiappah, Registrar of Lands Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Chankanai.

(Sgd.)
Registrar of Lands.

Land Registry,
Jaffna, 6-12-1955.

4 R 18

Deed No. 2476

4 R 18

4 R 18
Deed
No. 2476
Attested by
S. Ratna-
singham
Notary
Public
11-5-52

20

The Duplicate bears Five Stamps to the value of Rs. 63/-.

Translation.

Prior Registration
Jaffna D 212/102

Conditional
Transfer Deed.
2 Land.
Rs. 4000/-

No. 2476

30

Know all men by these presents that I Rasamany, widow of Muththar of Karaiyoor, Jaffna for and consideration of the sum of Rupees Four thousand (Rs. 4000/-) received by me from Thankachiammah, wife of Nakar Marimuthu of Vannarponnai East do hereby sell transfer, assure and make over unto the said Thankachchiammah by way of conditional transfer the land described in the schedule below with the appurtenances belonging thereto at the price of the said sum of Rs. 4000/-.

4 R 18
Deed
No. 2476
Attested by
S. Ratna-
singham
Notary
Public
11-5-52
—continued.

I do hereby declare that I have every right to sell and land described below by way of conditional transfer, that I hereby undertake to settle all disputes and hindrances arising in respect of the said land at any time, that the said transferee and her heirs and executors shall after a period of one year from this date hold and possess the said land forever as their own property, that the land described below is held and possessed by me by right of mudusom and full inheritance and described in the Inventory filed of record in Testamentary Case No. 605 of the District Court of Jaffna, that on the 10 transferee having agreed for herself and on behalf of her heirs and executors to re transfer the said land when I or my heirs do pay the said sum Rs. 4000/- with interest thereon at the rate of twelve per cent per annum from this date within a period of one year from this date I do execute this deed of conditional transfer, and that in default of payment of the said amount and interest within the said period then this deed shall be treated a valid and legal transfer and the transferee shall hold and possess the land as her own land.

Schedule referred to above.

20

Land situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province called "Uvaiady" in extent Twenty three lachehams varagu culture (23 Lms. v. c.) with shops, sheds, wells and other cultivated and spontaneous plants and bounded on the east by the lands belonging to the heirs of Vairamuthu Chellappah and Sellam, wife of Sithamparappillai, north by the properties of Archimuthu, wife of Kanthaiah and Nagamuthu, wife of Saravanamuthu and others and road, west by road, and south by bye-lane, out 30 of the whole within these boundaries an undivided half (1/2) with its appurtenances.

In witness whereof I the said executant at the office of the Notary of Jaffna Town set my signature hereto and to two others of the same tenor on this Eleventh day of May, One thousand nine hundred and fifty two.

(Sgd.) M. Rasamany.

We the witnesses subscribing hereto know the executant and her proper name residence and occupation.

Witnesses :

40

1. (Sgd.) Muthu Rasenthiram.
2. (Sgd.) S. Sellathurai.

(Sgd.) S. RATNASINGAM,
Notary Public.

I, Suppiramaniam Ratnasingam, Notary Public within the Jaffna Division do hereby certify and attest that I read over and explained the foregoing instrument to the said Rasamany, widow of Muththar the executant hereof, in the presence of Muththu Rasenthiram of Karaiyoor and Sellappah Sellathurai of Chundicully, the subscribing witnesses hereto, that I know all such persons, that the said Rasamany and the witnesses in my presence and in the presence of one another all being present at the same time at set their signatures hereto on this 11th day May, 1952, that the duplicate bears five stamps to the value of Rs. 63/- and the original one of Re. 1/- and that the consideration expressed herein was paid in my presence.

4 R 18
Deed
No. 2476
Attested by
S. Ratna-
singam
Notary
Public
11-5-52

10

(Sgd.) S. RATNASINGAM,

Notary Public.

Date of Attestation :

11th May, 1952.

Translated by me :

(Sgd.) S. Kandiah,

20

S. T. D. C., Jaffna,

6-1-56.

I, Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of transfer made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,

Registrar of Lands.

Land Registry,

80 Jaffna, 31-12-1955.

4 R 21
Mortgage
Bond
No. 4057
Attested by
C. C. Soma-
segaram
Notary
Public
26-7-52

4 R 21

Mortgage Bond No. 4057.

4 R 21

Application No. 3189/29-12-55.

Mortgage.

2 Lands.

Rs. 4000/-.

The Duplicate of this Deed bears Three Stamps to the value of Rs. 35/-.

Prior Registration.

Land D 84/211.

10

,, D 87/217.

No. 4057

Know all men by these presents that I, Kamalam alias Rasamany, widow of Sinnaddy Muthu of Karaiyoor (hereinafter called the mortgagor) am held and firmly bound and do hereby acknowledge to be justly and truly indebted to Arulappu Soosaippillai of Karaiyoor (hereinafter called the mortgagee) in the sum of Rupees Four thousand only (Rs. 4000/-) of lawful money of Ceylon which I have this day borrowed and received of and from the said Arulappu 20 Soosaippillai and I therefore renouncing the beneficium non numeratae pecuniae the meaning of which has been explained to me, agree and undertake and bind myself and my heirs, executors, administrators and assigns to pay the said sum of Rs. 4000/- and interest that might accrue thereon to the said Arulappu Soosaippillai his heirs, executors, administrators and assigns on demand and until such payment engage and bind myself and my aforewritten to pay interest on the said sum of Rs. 4000/- at and after the rate of six (6) per cent per annum. 30

And for securing the due payment of the said sum of Rs. 4000/- and interest which might accrue thereon at and after the rate aforementioned I the said mortgagor do hereby specially hypothecate and mortgage to and with the said mortgagee by way of primary mortgagee free from all encumbrances the properties described in the schedule to these presents and all the estate right title interest claim

and demand whatsoever of me unto upon or out of the said premises which said premises have been held and possessed by me under and by nature of inheritance from my late father, Arumugam whose estate is being administered in Testamentary case No. 167 of the District Court of Jaffna and he inherited from Kanapathy Kanthar whose estate was administered in Testamentary case No. 605 of the District Court of Jaffna.

4 R 21
Mortgage
Bond
No. 4057
Attested by
C. C. Somasegaram
Notary
Public
26-7-52
—continued.

Schedule referred to above.

10 1. All that piece of land situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province called "Uviyady" in extent Two Lechchams varagoo culture (2 Lms. v. c.) and bounded on the east and west by the property of the heirs of the late Kanapathy Kanther, north by bye-lane, and on the south by the property of Kanathappar Sithampalam and others.

20 2. All that piece of land situated at Vannarponnai East aforesaid called "Uviyady" in extent 2 Lms. v. c. and 12, 68/100 Kulies with stone built house and other appurtenances belonging thereto and bounded on the east by the property of the heirs of the late Kanapathy Kanthar, north by bye-lane, west by road, and south by the property of Kanthappillai Sittampalam.

And I the said mortgagor hereby covenant and declare with the said mortgagee and his aforewritten that I have good and legal right to mortgage the said premises in manner aforesaid and that the said premises are free from all encumbrances.

30 And that I shall and will at all times during the continuance of these presents do and execute or cause to be done and executed all such further and other acts deeds matters and things which may be necessary or expedient for the better or more perfectly assuring the said premises or any part thereof by way of mortgage unto the said mortgagee and his aforewritten as may be reasonably required.

40 And I do declare further to engage and bind myself and my heirs, executors, administrators for the true performance of this obligation.

4 R 21
Mortgage
Bond
No. 4057
Attested by
C. C. Soma-
segaram
Notary
Public
26-7-52
—continued.

In witness whereof I, the said mortgagor, do hereunto and to two others of the same tenor and date as these presents set my hand at Vannarponnai this Twenty sixth day of July, One thousand nine hundred and fifty two.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executant and know proper names occupation and residence.

(Sgd.) M. Kamalam (In Tamil)
This is the signature of
Kamalam alias Rasamany. 10

(Sgd.) C. C. SOMASEGARAM,
Notary Public.

Witnesses :

1. M. Rasa (In Tamil)
This is the signature of M. Rasa.
2. M. Rajendram (In Tamil)
This is the signature of M. Rajendram.

I, Canthavanam Chelliah Somasegaram of Jaffna, Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained 20 by me to the said Kamalam alias Rasamany, widow of Sinnaddy Muthu who signed in Tamil and who is known to me, in the presence of Muthaly Rasa of Vannarponnai East and Muttu Rajendram of Karaiyoor the subscribing witnesses hereto both of whom are also known to me the same was signed by the said executant and also by the said witnesses and by me the said Notary in my presence and in the presence of one another all being present at the same time at Vannarponnai on this Twenty sixth day of July, One thousand nine hundred and fifty two. 30

I further certify and attest that for the consideration expressed herein four promissory notes dated 19-9-1946, 5-6-1949, 16-6-1949 and 17-6-1951 for Rs. 750/- and interest Rs. 215/- and interest Rs. 2000/- and interest and Rs. 360/- and interest respectively and granted by the mortgagor to the mortgagee were discharged and cancelled and that before the foregoing instrument was read over and explained by me as aforesaid in the original in page 2 line 1 "esla" and in the duplicate in page 2 line 16 "situated"

struck off and in page 2 line 9 and 15 of the three copies "Aidy" struck off and that the duplicate of this instrument bears three stamps of the value of Rs. 35/- and the original one stamp of the value of Re. 1/-.

(Sgd.) C. C. SOMASEGARAM,

Notary Public.

4 R 21
Mortgage
Bond
No. 4057
Attested by
C. C. Somasegaram
Notary
Public
26-7-52
—continued.

Date of Attestation :
26th July, 1952.

(Seal)

10

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of Mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH.

Registrar of Lands.

Land Registry,
Jaffna, 31-12-1955.

4 R 20

20

Mortgage Bond No. 2675.

4 R 20

Duplicate bears Three Stamps to the value of Rs. 42/-.

4 R 20
Mortgage
Bond
No. 2675
Attested by
S. Ratnasingham
Notary
Public
2-12-52

Translation.

Prior Regn. Jaffna, D 218/48.

Mortgage Bond.
1 Land.
Rs. 5000/-.

No. 2675

30

Know all men by these presents that I, Rasamany widow of Muththar of Karaiyoor, Jaffna have borrowed and received from Soosaippillai Rayappu and wife Mary Josephine of 4th Cross Street, Jaffna a sum of Rupees Five thousand (Rs. 5000/-) on their stating that this money

4 R 20
Mortgage
Bond
No. 2675
Attested by
S. Ratna-
singham
Notary
Public
2-12-52
—continued.

should devolve on their daughter Mariama Punithavathy in the absence, I do hereby agree for myself and on behalf of my heirs and executors to pay on demand to the said persons and after them to their heirs, executors and assigns the said sum of Rupees Five thousand with interest thereon at the rate of twelve per cent per annum from this date but if I pay the accruing interest on the said principal once in three months I shall pay such interest at the rate of nine per cent per annum.

As security for this debt I do hereby hypothecate and 10 mortgage to and with the said persons by way of primary mortgage the land described in the schedule below. I declare that I have every right to mortgage the land described below, that in default of my paying the said principal and interest as aforesaid it shall be reasonable for the mortgagees to recover same from the land described below, that I hereby renounce the benefit of denying the counting and receiving of the said money, that the land described below is held and possessed by me right of purchase under and by virtue of the deed of transfer 20 executed in my favour on this date before this Notary under No. 2674, and that I hand over the said deed annexed herewith with its title deeds.

Schedule referred to above.

Land situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province called "Uvaiady" in extent Twenty three lachchams varagu culture (23 Lms. v. c.) with shops, sheds, wells and other cultivated and spontaneous plants and bounded on the east by the lands belonging to the heirs 30 Vairamuthu Chellappah and Sellam, wife of Sithamparappillai, north by the properties of Archimuthu, wife of Kanthiah and Nagamuthu, wife of Saravanamuthu and others, and road, west by road, and south by bye-lane, out of the whole hereof and undivided half (1/2).

In witness whereof I the said executant at the office of the Notary at Jaffna Town set my signature hereto and to two of the same tenor on this Second day of December, One thousand nine hundred and fifty two.

(Sgd.) M. Rasamany. 40

We the witnesses subscribing hereto know the executant and her proper name residence and occupation.

4 R 20
Mortgage
Bond
No. 2075
Attested by
S. Ratna-
singam
Notary
Public
2-12-52
—continued.

Witnesses :

(Sgd.) Muththu Rasenthiram.

(Sgd.) K. Saverimuthu.

(Sgd.) S. RATNASINGAM,

Notary Public.

10 I, Supiramaniam Rattasingam, Notary Public, within the Jaffna Division do hereby certify and attest that I read over and explained the foregoing instrument to the said Rasamany, widow of Muththa the executant hereof, in the presence of Muththu Rasenthiram of Karaiyoor and Kagurietpillai Savarimuthu of Chundicully, the subscribing witnesses hereto, that I know all such persons, that the said Rasamany and the witnesses in my presence and in the presence of one another all being present at the same time at my office at Jaffna Town set their signatures hereto on this 2nd day of December, 1952.

20 That the duplicate hereof bears three stamps to the value of Rs. 42/- and the original one of Re. 1/- and that the consideration expressed herein was paid in my presence.

(Sgd.) S. RATNASINGAM

Notary Public.

(Seal)

Date of Attestation :

2nd December, 1952.

Translated by me :

(Sgd.) S. Kandiah,

S. T. D. C. Jaffna,

30

6-1-56.

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,

Registrar of Lands.

Land Registry,

Jaffna, 31-12-1955.

4 R 19
Mortgage
Bond
No. 1192
Attested by
V. A. Moses
Notary
Public
1-3-53

4 R 19

Mortgage Bond No. 1192.

4 R 19

Duplicate bears One Stamp to the value of Rs. 50/-.

Application No. 3190/29-12-55.

Prior Registration D 218/48.

Mortgage.

1 Land.

Rs. 6000/-.

No. 1192.

10

Know all men by these presents that I Rasamanie, widow of Muthar of Karaiyoor, Jaffna (hereinafter called the mortgagor) am held and firmly bound and do hereby acknowledge to be justly and truly indebted to Phillip Francis Xavier of Karaiyoor, Jaffna (hereinafter called the mortgagee) in the sum of Rupees Six thousand (Rs. 6000/-) of lawful money of Ceylon which I have this day borrowed and received of and from the said mortgagee and I therefore renouncing the beneficium non numeratae pecuniae the meaning of which has been explained to me agree and 20 undertake and bind myself and my heirs, executors, administrators and assigns to pay the said sum of Rs. 6000/- and interest that might accrue thereon to the said mortgagee his heirs, executors, administrators and assigns on demand and until such payment engage and bind myself and my aforewritten to pay interest on the said sum of Rs. 6000/- at and after the rate of six (6) per cent per annum.

And for securing the due payment of the said sum of Rs. 6000/- and interest which might accrue thereon at and 30 after the rate aforementioned I the said mortgagor do hereby specially hypothecate and mortgage to and with the said mortgagee by way of secondary mortgage free from all encumbrances the property described in the schedule to these presents and all the estate rights title interest claim and demand whatsoever of me into upon or out of the said premises which said premises have been held and possessed by me under Transfer deed No. 2674 dated 2nd December, 1952 attested by S. Ratnasingam, N. P. subject to the

mortgage for Rs. 5000/- and interest created by land No. 2675 dated 2nd December, 1952 attested by the afore-said Notary.

4 R 19
Mortgage
Bond
No. 1192
Attested by
V. A. Moses
Notary
Public
1-3-53
—continued.

The Schedule referred to.

Land situated at Vannarponnai East in the Parish of Vannarponnai in the Division and District of Jaffna, Northern Province called "Uvayady" in extent 23 Lms. v. c. with building, shed, well and other appurtenances belonging thereto and bounded on the east by the property of the heirs of Vairamuthu Chellappah and Chellama, wife of Sithamparapillai, north by the property of Achimuttu, wife of Kandiah and Nagamuttu, wife of Saravanamuttu and others and road, west by road, and on the south by bye-lane, of this undivided half share.

10

And I the said mortgagor hereby covenant and declare with the said mortgagee and her aforewritten that I have good and legal right to mortgage the said premises in manner aforesaid, and that the said premises are free from all encumbrances whatsoever save the aforesaid mortgage.

20

And that I shall and will at all times during the continuance or that presents do and execute or cause to be done and executed all such further and other acts deed matters and things which may be necessary or expedient for the better or more perfectly assuring the said premises or any part thereof by way of mortgage unto the said mortgagee and her aforewritten as may be reasonably required.

30

And I do declare further to engage and bind myself and my heirs, executors and administrators for the true performance of this obligation.

In witness whereof I the the said mortgagor do hereunto and to two others of the same tenor and date as these presents set my hand at Jaffna this first day of March, One thousand nine hundred and fifty three.

4 R 19
Mortgage
Bond
No. 1192
Attested by
V. A. Moses
Notary
Public
1-3-53
—continued.

Signed and delivered in the presence of us and we declare that we are well acquainted with the executant and know her proper name occupation and residence.

(Sgd.) T. Rasamanie (In Tamil)
This is the signature of Rasamanie.

1. (Sgd.) Swampillai (In Tamil)
This is the signature of Swampillai Rayappu.
2. (Sgd.) C. Chellathurai (In Tamil)
This is the signature of Chellapah Chellathurai

(Sgd.) VITAL A. MOSES, 10
Notary Public.

I, Vital Anthony Moses, of Jaffna Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me to Rasamanie, widow of Mutter of Karaiyoor, Jaffna the executant also has signed in Tamil and who is not known to me in the presence of Swampillai Rayappu and Chellapah Chellathurai both of Karaiyoor, Jaffna who have signed in Tamil the subscribing witnesses hereto both of whom are known to me and also declared they were well acquainted with the 20 executant the same was signed by the said executant and also by the said witnesses and by me the said Notary in my presence and in the presence of one another all being present at the same time at Jaffna on this first day of March, One thousand nine hundred and fifty three.

I further certify and attest that the consideration expressed herein did not pass in my presence but were acknowledged to have been received and that the duplicate of this instrument bears one stamp of the value of Rs. 50/- and the original a rupee stamp.

80

(Sgd.) VITAL A. MOSES,
Notary Public.

(Seal)

Date of Attestation :
1st March, 1953.

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed or record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

4 R 19
Mortgage
Bond
No. 1192
Attested by
V. A. Moses
Notary
Public
1-8-53
—continued.

(Sgd.) K. DURAIAPPAH,
Registrar of Lands.

Land Registry,
Jaffna, 3-1-1956.

10

A 15

Deed No. 1769.

A 15

Application No. 2898/24-11-55.

A 15
Deed
No. 1769
Attested by
Sivagnanam
Notary
Public
7-10-54

The Duplicate bears One Stamp of the value of Rs. 100/-.

Translation.

Prior Registration, 1 D 87/218 3 D84/210 3 D
2 D218/110 4 D83/211
5 D 19/90 6 D232/241

Document Transfer.

20 Rs. 6000/-.

No. 1759/7-10-1954.

30

We, Vairavan Kanapathy of Sandiruppay, Sinnavan Kanapathy of Changanai, Velan Marimuttu, Velan Vaitthiyen and wife Sinnappillai all of Sandiruppay, Murugan Ponnar and wife Eledchumy of Alaveddy, Paththan Kanapathy and wife Ponny of Sandirudpy, Visuvan Kathiravelan and wife Thangamuttu of Thirunelvely, Kanapathy Sellan and wife Seethai and Sinnappodyan Valliyan and wife Kuddy all of Changanai have executed and granted unto Kathiresar Sabapathippillai Ponniah transfer deed, to wit :—

We and the late Nannaiyan Vairaven and Nanniyan Sinnavan received a sum of Rupees Two thousand and five hundred from the said Kathiresar Sabapathippillai Ponniah

A 15
Deed
No. 1769
Attested by
Sivagnanam
Notary
Public
7-10-54
—continued

on the 16th day of August, 1938 by granting Promissory Note, for the expenses of the Testamentary Case No. 605 of the District Court of Jaffna, and borrowed and received a sum of Rs. 1000/- on the 22nd day of July, 1954 to prosecute the Appeal in the case No. 605 of the Supreme Court. The principal and interest payable on the said Note is Rs. 6000/- all aggregate to a total sum of Rs. 6000/- for and in consideration of the Rupees six thousand we do hereby sell, transfer, make over, assign and convey unto to said Kathiresar Sabapathipillai Ponniah the properties 10 mentioned in the under-mentioned Schedule of Property together with all the right, title, interest and claim belonging to us in and to the same subject to the under-mentioned conditions. These properties belong to us by right of Urumai and possession as per transfer deeds executed in favour of the late K. Kanthar on the 19th day of August, 1910 and attested by B. Joachimpillai, Notary Public under No. 8416, on the 12th day of November, 1923 and attested by the aforesaid Notary under No. 11516 and on 5th day of January, 1913 and attested by S. Kathiresu, Notary Public under No. 265.

If we pay the said principal sum of Rupees Six 20 thousand with interest thereon at the rate of fifteen per cent per annum together with the Notarial fees and the other expenses within the 30th day of December, 1954, the said purchaser Ponniah should execute and grant a re transfer of the said properties. Further the said Ponniah will have the right to lease out the lands shown in the said schedule of property and to recover that rent and to possess. In default of payment of the money within the period, we shall not endeavour to get back the said lands under any reasons whatsoever. But the said Ponniah 30 will be liable to bequeath for the prosecution of the case No, 605.

Schedule of Property.

1. Land situated at Vannarponnai East in the Parish of Vannarponnai in the Jaffna Division, Jaffna District, Northern Province called "Covaiyady" in extent as per 20 Lms. v. c. and according to possession in extent twenty three (23) Lms. v. c. with its appurtenances and bounded on the east by the property of the heirs of V. Sellappah, north by the properties of Achchimuttu, wife of Kandiah 40 and others, west by road, and south by our property. The whole of this Registered in D87/218.

2. Land situated at do. called "Covaiyady" in extent two Lms. v. c. and 12, 68/100 Kls. with its appur-

tenances and bounded on the east by our property, north by bye-lane, west by road, and south by the property of Kanthappillai Sithampalam. The whole of this Registered in D 218/110.

A 15
Deed
No. 1769
Attested by
Sivagnanam
Notary
Public
7-10-54
—continued.

10

3. Land situated at do. called "Oovaiyady" in extent 2 Lms. v. c. and bounded on the east by the property of S. M. Rajasooriyar, north by bye-lane, west by the property of Nagamuttu Vaithilingam, and south by the property of Kanthan Kathavelan. The whole of this Registered in D 84/210.

4. Land situated at do. called "Oovaiyady" in extent 2 Lms. v. c. and bounded on the east and west by our property, north by bye-lane, and south by the property of Kanthappar Sithampalam and others.

20

5. Land situated at Madduvilnadu in the Parish of Poonagary in Poonagary Division of the aforesaid District called "Matharpallam" in extent Acres Ten and Perches Thirty Six and bounded on the east by land reserved for road, north by Lots 80 and 81 in P. P. 5624, west by Nallathannikkulanadu, and south by Lots 77 and 78 in P. P. 5634. The whole of this Registered in G 19/90.

6. Land situated at Karriyoor in the Parish of Chundikkuly in the Division of Jaffna aforesaid called "Kudiyiruppu" in extent 2 Lms. v. c. and 2 Kls. with its appurtenances and bounded on the east by lane, north by road, west by the property of Sinnammah, wife of Ponniah, and south by the property of Poothar Thambippillai. The whole of this.

80

In witness whereof we the executants hereof set our signature to three of the same tenor and date as these presents in the presence of the undersigned witnesses Mathavan Sevvanthinathan of Changanai and Kanthan Arumugam of the same place at Changanai on the seventh day of October, 1954.

1. V. Kanapathy/Signature.
2. Minnavan Kanapathy/Mark and Left Thumb impression.
3. V. Marimuttu/Signature.
4. V. Vithy/Signature.

A 15
Deed
No. 1769
Attested by
Sivagnanam
Notary
Public
7-10-54
—continued.

5. V. Sinnappillai/Signature.
6. Sinnavan Arumugam/Mark and Left Thumb impression.
7. Signature/Illegibly.
8. Ledchumy/Mark and Left Thumb impression.
9. P. Kanapathy/Mark and Left Thumb impression.
10. K. Ponny/Signature.
11. V. Kathiravelan/Mark and Left Thumb impression.
12. Thangamuttu/Mark and Left Thumb impression.
13. K. Sellar/Signature. 10
14. Seethai/Mark and Left Thumb impression.
15. Vallian/Mark and Left Thumb impression.
16. Kuddy/Mark and Left Thumb impression.
17. C. S. Ponnyah/Signature.

Witnesses :

1. (Sgd.) Illegibly.
2. (Sgd.) M. Arumugam.

(Sgd.) S. SIVAGNAM,
Notary Public.

I, Somasundaram Sivagnanam, Notary Public in the 20 Jaffna Division do hereby certify and attest that the foregoing instrument was read over and explained by me to the said Sinnavan Kanapathy, Sinnavan Arumugam, Eledcumy, wife of Ponnar, Visuvan Kathiravelan Thangamuttu, Seethai Vallian and Kuddy who set their marks and left thumb impression hereto and V. Kanapathy, V. Marimuttu, V. Vaithy, V. Sinnappillai, M. Ponnar, K. Sellar and Kathiresar Sabapathippillai Ponniah who set their signatures hereto in the presence of Mathavar Sevvanthinathan of Changanai and Kathan Arumugam of the 30 same place the subscribing witnesses hereto that and that the executants and the witnesses set their signatures hereto

in my presence and in the presence of one another all being present at the same time at the aforesaid place on the seventh day of October, 1954.

A 15
Deed
No. 1769
Attested by
Sivagnanam
Notary
Public
7-10-54
—continued.

And I further certify and attest that out of the consideration of this instrument, a portion was credited for the amount due on a Promissory Note granted by some of the executants and some deceased persons on the 16th day of August, 1938 and the balance sum by Rs. 1000/- was paid in my presence, that the duplicate bears one stamp of the value of Rs. 100/- and the original a stamp of the value of Re. 1/-.

10

(Sgd.) S. SIVAGNANAM,
Notary Public.

Date of Attestation :
7th October, 1954.

(Seal)

Translated by me :

(Sgd.) N. Subramaniam,
S. T. D. C. Jaffna.

20

A 14

Lease Bond No 1808.

A 14

Prior Registration.

A 14
Lease Bond
No. 1808
Attested by
Sivagnanam
Notary
Public
28-1-55

“ True Copy ”

(Sgd.) S. SIVAGNANAM,
Notary Public,

2-2-55.

(Seal)

Lease.
80 4 Lands.
Rs. 2000/-.

No. 1808/28-1-55.

This Indenture made between Cathiresar Sabapathippillai Ponniah of Chankanai (hereinafter called the Lessor) of one part and Kathiravelu Vaithilingam Thampoe of Jaffna (hereinafter called the Lessee) of the other part witnesseth.

A 14
 Lease Bond
 No. 1808
 Attested by
 Sivagnanam
 Notary
 Public
 28-1-55
 —continued.

That in consideration of the sum of Rupees Seven hundred and fifty (Rs. 750/-) being rent for the first year and also in consideration of the further rents hereby reserved, and the covenants and agreements hereinafter contained on the part and on behalf of the said lessee to be paid and performed the said lessor doth hereby let, lease and demise unto the said lessee, the land and premises in the schedule hereto more fully described.

To hold the said premises hereby demised, with all and singular easements, rights and appurtenances thereto belong-10
 ing or there with used or enjoyed unto the said lessee his heirs, executors, administrators and assigns from the 28th January, 1955 for and during the term of three years, fully to be completed and ended.

Yielding and paying therefor during the said term unto the said lessor, and heirs, executors, administrators the total rent of Rupees Two thousand (Rs. 2000/-) by three instalments of Rs. 750/- for the first year and the remainder by instalments of Rs. 625/- each.

And the said lessee doth hereby for himself his heirs, 20
 executors, administrators or assigns covenant with the said lessor his heirs, executors, administrators and assigns that the said lessee or his aforewritten shall and will during the continuance of this lease pay the said rent in manner hereinbefore appointed and keep the said premises in clean and tenantable condition, shall and will at the termination of this lease peaceably quit and surrender unto the said lessor or his heirs, executors, administrators or assigns.

And the said lessor doth hereby for himself his heirs, executors and administrators or assigns covenant with the 80
 said lessee his heirs, executors, administrators, assigns that the said lessee and his aforewritten paying the said rent in manner hereinbefore appointed and observing and performing the covenants and agreements on his part herein contained shall and may hold, occupy and enjoy the said premises during the term hereby demised without any let suit eviction or disturbance by or on the part of any person or persons lawfully claiming the said premises or any right over or share or interest in the same. Provided always that if the said lessee or his aforewritten shall permit or allow the rent hereby 40
 reserved or any part thereof to be in arrears and unpaid after any of the days on which he same shall become due according to the true intent and meaning hereof or if the said lessee or his aforewritten shall be guilty of a breach or nonperformance

of any of the other covenants or agreements on these presents contained on the part of lessee or his aforewritten to be performed, it shall be lawful for the said lessor or his aforewritten at any time thereafter to cancel and determine these presents and eject the said lessee and his aforewritten from the said demised premises anything herein contained to the contrary notwithstanding.

A 14
Lease Bond
No. 1808
Attested by
Sivagnanam
Notary
Public
28-1-55
—continued.

10 In witness whereof the said lessor and the said lessee have hereunto and to two others of the same tenor as these presents set their respective hands at Jaffna, Chankanai this Twenty eighth day of January, One thousand nine hundred and fifty five.

The Schedule referred to.

1. All that piece of land situated at Vannarponnai East, Vannarponnai Division and District of Jaffna, Northern Province called "Uvaiyady" in extent 23 Lms. v. c. with appurtenances bounded on the east by the heirs of V. Chellappa, north by the property of K. Achchimuttu and others, west by road, and south by the property of lessor.
- 20 2. Land situated at do. called do. in extent 2 Lms. v. c. and 12,68/100 Kls. with appurtenances bounded on the east by the property of lessor, north by bye-lane, west by road, south by the property of K. Chithampalam.
3. All that piece of land situated at do. called do. in extent 3 Lms. v. c. bounded on the east by the property of S. M. Rasasooriar, north by bye-lane, west by the property of N. Vaithilingam, south by the property of K. Kathiravelan.
- 80 4. Land situated at do. called do. in extent 2 Lms. v. c. bounded on the east and west by the property of

A 14
Lease Bond
No. 1808
Attested by
Sivagnanam
Notary
Public
28-1-55
—continued.

lessor, north by bye-lane, south by the property of K.
Chittampalam.

(Sgd.) K. V. Thampoe.

(Sgd.) S. SIVAGNANAM,
Notary Public.

Signed in the presence of us :

Witnesses :

1. (Sgd.) V. James.
2. M. Sinnathamby.

Signed in the presence of us :

10

Witnesses :

1. (Sgd.) V. P. Rajah.
2. (Sgd.) N. S. Kandiah.

(Sgd.) C. S. Ponnyah.

(Sgd.) S. SIVAGNANAM,
Notary Public.

I, Somasundram Sivagnanam of Chankanai Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me to the within named K. Vythilingam Thampoe and 20 Cathiresar Sabapathippillai Ponnyah the executants hereof who are known to me the lessee in the presence of Bastiampillai James and Murugar Sinnatamby of Jaffna and the lessor in the presence of V. P. Rajah of Chankanai and N. Sathasivam Kandiah of Sandilippay the attesting-witnesses hereto who are also known to me the same was signed by the said executant and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Jaffna and Chankanai respectively on this 28th day of January, 1955. 80

I further certify and attest that no consideration passed in my presence that the duplicate bears four stamps of the value of Rs. 18/- and the original one of Re. 1/-.

(Sgd.) S. SIVAGNANAM,
Notary Public.

(Seal)

Date of Attestation :
28-1-1955.

4 R 26

Final Account Filed in D. C. Jaffna Case No. 167
 Testamentary.

4 R 26

4 R 26
 Final
 Account
 filed in D. C.
 Jaffna Case
 No. 167
 Testa-
 mentary
 22-2-55

IN THE DISTRICT COURT OF JAFFNA.

Testamentary

No. 167

Jurisdiction.

10 In the matter of the estate of the late Ilaiyavi
 Arumugam of Karaiyoor.

Deceased.

Chellammah, wife of Pavilu of Karaiyoor.

Administratrix.

A just true and perfect Final Account of all the
 properties movable and immovable and rights and credits
 and goods and chattels of the estate of the abovenamed
 by the administratrix hereof.

DR.

		Rs.	cts.
20	1. To amount value of Lands mentioned in the Inventory under items 34 to 48	37955	00
	2. To amount value of movables men- tioned in the Inventory under item 2 to 33	310	00
	3. To amount mentioned in the Inventory under item 1 and lying in deposit in this case including Loan Board up to 30-6.53	7919	92
		46184	92

CR.

30	1. By amount value of Lands mentioned under item 1 of the debit side of this account to be taken charge of by the heirs	37955	00
	2. By amount value of movable mentioned		

4 R 26
Final
Account
filed in D. C.
Jaffna Case
No. 167
Testa-
mentary
22-2-55
—continued.

	Rs.	cts.
under item 2 of the debit side of this account to be taken in charge of by the heirs	310	00
3. By amount of Funeral Expenses to be drawn by the Administrators out of the amount in deposit and shown under item 3 of the debit side of this account	500	00
4. By amount of Commission at 1% to be drawn by the Administratrix out of the amount in deposit in this case	500	49 10
5. By amount of costs of Administratrix as bill annexed to be drawn by the Proctor out of the amount in deposit in this case	604	20
6. By amount to be left in deposit in this case to the credit of the heirs	6315	23
	46184	92

(Sgd.) In Tamil. P. Chellammah,
Administratrix.

I, Chellammah wife of Pavilu Phillip of Karaiyoor,
Jaffna do hereby solemnly sincerely and truly affirm and
declare as follows:—

To the best of my knowledge information and belief
the above written Final Account contains a just true and
perfect account of all the properties, movables and immov-
ables and rights and credits and goods and chattels of the
estate of the abovenamed deceased so far as I have been
able to ascertain the same with due diligence.

The contents of the foregoing affidavit was read over
and explained by me to the deponent who appeared to

understand the same perfectly and signed and affirmed to the truth and correctness hereof at Jaffna, this 22nd day of February, 1955.

(Sgd.) In Tamil. P. Chellammah.

Before me :

(Sgd.) V. NAVARATNARAJAH,

C. O.

Drawn by :

(Sgd.) C. C. SOMASEGARAM,

10 *Proctor for Administratrix.*

“ True copy of Final Account in case No. 167/T. D. C. Jaffna.”

(Sgd.) K. A. SEBASTIAN,
Secretary, D. C. Jaffna.

Compared : (Intd.).....
C. C.

4 R 1

Letter of Demand.

4 R 1

4 R 1
Letter of
Demand
7-8-55

20 C. C. Somasegaram,
Proctor S. C.
and
Notary Public.

No. D 1.

Vannarponnai
Jaffna, 7th March, 1955.

To, Thampoe and wife Chellamuttu,
44, Clock Tower Road.
Vannarponnai.

80

I am instructed by Chellammah, wife of Phillip of Karaiyoor to demand of you the immediate payment of

4 R 26
Final
Account
filed in D. C.
Jaffna Case
No. 167
Testa-
mentary
22-2-55
—continued.

4 R 1
Letter of
Demand
7-8-55
—continued.

the sum of Rs. 120/- being rent for 6 months from September, 1954 to February, 1955 for premises No. 44 Clock Tower Road, occupied by you as tenant and to request you to quit the said premises.

In default of your complying with this request within Seven (7) days I am further instructed to sue you at law for the recovery thereof with costs, and to eject you therefrom.

When remitting please include Rs. 3/- for this letter.

(Sgd.) C. C. SOMASEGARAM, 10
Proctor.

4 R 5
Letter of
Demand
7-8-55

4 R 5

Letter of Demand.

4 R 5

C. C. Somasegaram,
Proctor S. C.
and
Notary Public.

No. 101.

Vannarponnai, 20
Jaffna, 7th March, 1955.

To, K. Rasamany,
Barber Saloon,
Stanley Road,
Jaffna.

I am instructed by Chellammah, wife of Phillip of Karaiyoor to demand of you the immediate payment of the sum of Rs. 30/- being rent for January and February, 1955 for the premises No. 30, Stanley Road, occupied by you as tenant and to request you to quit the said premises. 30

In default of your complying with this request within Seven (7) days I am further instructed to sue you at law for the recovery thereof with costs and to eject you therefrom.

When remiting please include Rs. 3/- for this letter.

(Sgd.) C. C. SOMASEGARAM,
Proctor.

484

4 R 2

Letter of Demand.

4 R 2

4 R 2
Letter of
Demand
80-8-55

C. C. SOMASEGARAM,

Proctor S. C.

and

Notary Public.

No. D 5.

Vannarponnai,

Jaffna, 30th March, 1955.

10 To, Chellamuttu, wife of Thampoe,

44, Clock Tower Road,

Jaffna.

I am instructed by Chellammah, wife of P. Phillip and Rasamany, widow of Muttu of Karaiyoor, to demand of you the immediate payment of the sum of Rs. 140/- being arrears of rent to the end of March, 1955 and to request you to quit the said premises No. 44, Clock Tower Road, occupied by you as tenant under my clients on or before 1-5-55 and surrender peaceful possession to my clients.

20

In default of your complying with this request on or before 1-5-55 I am further instructed to sue you at law for the recovery thereof with costs, and to eject you therefrom.

When remitting please include Rs. 2-50 for this letter.

(Sgd.) C. C. SOMASEGARAM,

Proctor.

4 R 3
Letter of
Demand
30-3-55

4 R 3.

Letter of Demand.

4 R 3.

C. C. Somasegaram,
Proctor S. C.
and
Notary Public.

No. D 6.

Vannarponnai,
Jaffna, 30th March, 1955. 10

To, K. Ramasamy,
No. 30, Barber Saloon,
Stanley Road,
Jaffna.

I am instructed by Chellammah, wife of P. Phillip and Rasamany, widow of Muttu of Karaiyoor, to demand of you the immediate payment of the sum of Rs. 45/- being arrears of rent to the end of March, 1955 and to request you to quit the said premises No. 30, occupied by you as a tenant under my clients on or before 1st May, 1955 and to eject you therefrom.

In default of your complying with this request on or before 1-5-55 I am further instructed to sue you at law for the recovery thereof with costs and to eject you therefrom.

When remitting please include Rs. 2-50 for this letter.

(Sgd.) C. C. SOMASEGARAM,
Proctor.

4 R 4

Letter of Demand.

4 R 4
Letter of
Demand
30-3-55

4 R 4

C. C. SOMASEGARAM,

Proctor S. C.

and

Notary Public.

No. D 4.

Vannarponnai
Jaffna, 30th March, 1955.

10 To, K. V. Thampoe,
Muniswara Cafe,
Stanley Road,
Jaffna.

20

I am instructed by Chellammah, wife of P. Phillip and Rasamany, widow of Muttu of Karaiyoor, Jaffna to demand of you the immediate payment of the sum of Rs. 60/- being rent for 3 months to the end of March, 1955 and to request you to quit the premises No. 28, Clock Tower Road, Jaffna occupied by you as tenant under my clients on or before 1st May, 1955 and surrender peaceful possession to my clients.

In default of your complying with this request before 1-5-55 I am further instructed to sue you at law for the recovery thereof with costs, and to eject you therefrom.

When remiting please include Rs. 2-50 for this letter.

(Sgd.) C. C. SOMASEGARAM,

Proctor.

32 R 2
Mortgage
Bond
No. 3385
Attested by
S. Ratna-
singam
Notary
Public
24-7-55

32 R 2

Mortgage Bond No. 3385.

32 R 2

Translation.

Duplicate bears Four Stamps to the value of Rs. 58/-.

Prior Registration Jaffna D 226/183

Date, 24-7-55.

Mortgage.

Land 1.

Rs. 7000/-.

10

No. 3385.

Know all men by these presents that we, Pavilu Phillippu and wife Mariammah alias Sellammah of Karaiyoor, Jaffna have borrowed and received from Saverimuthu Anthonippillai of Chundicully a sum of Rupees Seven thousand (Rs. 7000/-) we do hereby agree for ourselves and on behalf of our heirs and executors to pay on demand jointly and severally to the said Anthonippillai or after his life-time to his heirs, executors and assigns the said sum of Rupees Seven thousand (Rs. 7000/-) 30 together with interest thereon at the rate of Twelve per cent per annum from this date but if we pay the accruing interest on the said principal once in three months we shall pay such interest at the rate of Ten per cent per annum. As security for this debt we do hereby hypothecate and mortgage to and with the said person by way of primary mortgage and the land described in the schedule hereto annexed, we do hereby declare that we have every right to mortgage the land described below, that the said land is not in any way encumbered or alienated, that in default 30 of our paying the said principal and interest as aforesaid the mortgagee shall recover same from the land described below, that we have received the consideration, that the land described below is held and possessed by us by right of dowry under and by virtue of the deed of dowry granted in favour of the 2nd named of us dated 12th November, 1923 attested by B. Joachimpillai, Notary under No. 11567 and that we hand over the said deed with its title deeds annexed herewith.

Schedule referred to above.

Land situated at Karaiyoor in the Parish of Chundicully in the Division and District of Jaffna, Northern Province, called " Periyapulaththuvayal " in extent 11 Lms. v. c. and 3, 1/2 Kls. with houses, doconut trees, palmyrahs and other appurtenances belonging hereto and bounded on the east by road, north by the property that belonged to Saverimuthu Anthonippillai and wife Regina and now belongs to the Catholic Mission, west by the property of Joseph Cherubim and brothers, and south by the property of Anthonippillai the whole of the land and appurtenances contained within these boundaries.

82 R 2
Mortgage
Bond
No. 3385
Attested by
S. Ratna-
singam
Notary
Public
24-7-55
—continued.

10

In witness whereof we the said executants at the office of the Notary at Jaffna Town set our signatures hereto and to two others of the same tenor on this Twenty fourth day of July, One thousand nine hundred and fifty five.

(Sgd.) Illegibly.

(Signature of Phillippu.)

(Sgd.) P. Sellammah.

20

We the witnesses hereto subscribing know the executants and their proper names residence and occupation.

Witnesses :

1. (Sgd.) S. Ratnam.
2. (Sgd.) S. Sellathurai.

(Sgd.) S. RATNASINGAM,

Notary Public.

I, Suppiramaniam Ratnasingam, Notary Public, within the Jaffna Division do hereby certify and attest that I read

32 R 2
Mortgage
Bond
No. 3385
Attested by
S. Ratna-
singam
Notary
Public
24-7-55
—continued.

over and explained the foregoing instrument to the said executants in the presence of Sellar Ratnam and Chellappah Sellathurai of Chundicully, the subscribing witnesses hereto, that I know all such persons, that the said executants and the witnesses in my presence and in the presence of one another all being present at the same time at my office at Town set their signatures hereto on this 24th day of July, 1955 that the duplicate hereof bears four stamps to the value of Rs. 58/- and the original one of Re. 1/-, that the consideration expressed herein was paid in my 10 presence and that the errors herein were rectified by me.

(Sgd.) S. RATNASINGAM,

Notary Public.

Date of Attestation :

24th July, 1955.

(Seal)

Translated by me :

(Sgd.) S. K. Kandiah,

S. T. D. C. Jaffna.

6-1-56.

20

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of a deed of mortgage made from the duplicate filed of record in this office and the same is granted on the application of Mr. S. Sivagnanam of Jaffna.

(Sgd.) K. DURAIAPPAH,

Registrar of Lands.

Land Registry,

Jaffna, 3-1-1956.

6

A 13

Lease Bond No. 1862.

A 13

PRIOR REGISTRATION.

A 13
Lease Bond
No. 1862
Attested by
Sivagnanam
Notary
Public
5-10-55

Lease.

Land.

Rs. 500/-.

(Seal)

10

No. 1862/5-10-55.

D—1.

This Indenture made between Cathirisar Sabapathy Ponnyah of Chankanai (hereinafter called the Lessor) of the one part and Muthaly Rosa of Vannarponnai (hereinafter called the Lessee) of the other part witnesseth.

That in consideration of the sum of Rupees Five hundred well and truly paid unto the lessor and the covenants and agreements hereinafter contained on the part and on behalf of the said lessee to be performed the said lessor do hereby let, lease and demise unto the said lessee, the land and premises in the schedule hereto more fully described.

20

To hold the said premises hereby demised, with all and singular easements, rights and appurtenances thereto belonging or there with used or enjoyed unto the said lessee heirs, executors, administrators and assigns from the 1st day of January, 1955 for and during the term of three years fully to be complete and end ended.

Yielding and paying therefore during the said term unto the said lessor and heirs, executors, administrators the total rent of Rupees Five hundred (Rs. 500/-.)

30

And said lessee do hereby for himself, heirs, executors, administrators or assigns covenant with the said lessor his heirs, executors, administrators and assigns that the said lessee or his aforewritten shall and will during the continuance of this lease pay the said rent in manner hereinbefore appointed and keep the said premises in clean and tenantable condition, shall and will at the termination of

A 13
Lease Bond
No. 1862
Attested by
Sivagnanam
Notary
Public
5-10-55
—continued.

this lease peaceably quit and surrender unto the said lessor or heirs, executors, administrators or assigns.

And the said lessor doth hereby for himself heirs, executors and administrators or assigns covenant with the said lessee his heirs, executors, administrators, assigns and his aforewritten paying the said rent in manner hereinbefore appointed and observing and performing the covenants and agreements on his part herein contained shall and may hold, occupy and enjoy the said premises during the term hereby demised without any let, suit, eviction or disturbance 10 by or on the part of any person or persons lawfully claiming the said premises or any right over or share or interest in the same.

Provided always that if the said lessee or his aforewritten shall permit or allow the rent hereby reserved or any part thereof to be in arrears and unpaid after any of the days on which the same shall become due according to the true intent and meaning hereof, or if the said lessee or his aforewritten shall be guilty of a breach or nonperformance of any of the other covenants or agreements on 20 these presents contained on the part of lessee or aforewritten to be performed, it shall be lawful for the said lessee or his aforewritten at any time thereafter to cancel and determine these presents and eject the said lessee and his aforewritten from the said demised premises anything therein contained to the contrary notwithstanding.

IN WITNESS WHEREOF the said lessor and the said lessee have hereunto and to two others of the same tenor as these presents set their respective hands at Chankanaï and Jaffna this Fifth day of October, One thousand 30 nine hundred and fifty five.

The Schedule referred to.

All that shop building numbered 50 on the Clock Tower Road, in extent 1/8 Lm. v. c. situated at Vannarponnai in

the Division and District of Jaffna, Northern Province called "Uvaiaddy" and bounded on the west by road, and on the east, north, south by the property of the lessor.

A 13
Lease Bond
No. 1862
Attested by
Sivagnanam
Notary
Public
5-10-55
—continued.

(Sgd.) M. Rasa.

Signed in the presence of us :

1. (Sgd.) N. Kanthan.
2. P. Rasiah.

(Sgd.) S. SIVAGNANAM,
Notary Public.

(Sgd.) Illegibly. 10

Witness to the signature of the lessor :

1. (Sgd.) S. Selvadurai.
2. V. Kanavathy.

(Sgd.) S. SIVAGNANAM,
Notary Public.

20

I, Somasundram Sivagnanam of Chankanai, Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me to the within named C. S. Ponnyah and Muthaly Rasa the executants hereof who are known to me the lessor in the presence of Saravanamuttu Selvadurai of Chankanai and V. Kanapathy of Sandilippy and the lessee in the presence of Nannian Kanthan of Chankanai and Ponniah Rasiah of Marisonkoodal the attesting witnesses hereto both of whom are known to me the same was signed by the said executants and also by the said witnesses in my presence and in the presence of one another all being present at the same time at Chankanai and Jaffna respectively on this 5th day of October, 1955.

30

I further certify and attest that no consideration passed in my presence but it was acknowledge to have been received that the duplicate bears five stamps of the value of Rs. 6-50 and the original bears one stamp of the value of Re. 1/- and that before the foregoing was read over and explained as aforesaid on page 1 line 9 "and also hereby reserved" and in line "paid and" were deleted.

(Sgd.) S. SIVAGNANAM,
Notary Public.

Date of Attestation :

40 5th October, 1955.

(Seal)

8. Sangary Kanthiah of Kalliankaddu.
9. Sinnakuddy Thambiah of Chundikuli.
10. Moothavy Mather of Vannarponnai East.
11. Saverimuthu Pasupathy of Chiviatheru.
12. Nagar Murugesu of Karaiyoor.
13. Philippu Selvanayakam of Karaiyoor.

X 1
Document
tendered to
Court by
Mr. Adv.
Ponnampalam
Counsel for
the 4th to
11th and
20th to 26th
Respondents
18-12-55
—continued.

6th February, 1939.

(Sgd.) C. C. SOMASEGARAM,

3rd to 12th added Respondent's list of witnesses.

- | | | |
|-----|---------------------------------------|----|
| 1 | Dr. M. O. Chacko of Manipay Hospital. | 10 |
| 2. | A. Ponniah of Sandilippai. | |
| 3. | Mrs. Kumaru of Sirampiaddy, Jaffna. | |
| 4. | Mrs. Suppiapillai of Koddady, Jaffna. | |
| 5. | Mr. Black of Chankanai. | |
| 6. | Mr. A. Navaratnam of Chankanai. | |
| 7. | Dr. S. G. Mills of Manipay Hospital. | |
| 8. | V. Veluppillai of Vaddukoddai. | |
| 9. | Kanapathy Maruthan of Jaffna. | |
| 10. | Mr. Muthucumaru of Chankanai. | |
| 11. | Mathavar. | 20 |

8th February, 1930.

(Sgd.) S. SIVAGNANAM,

Proctor for 3 to 12 added Respdts.

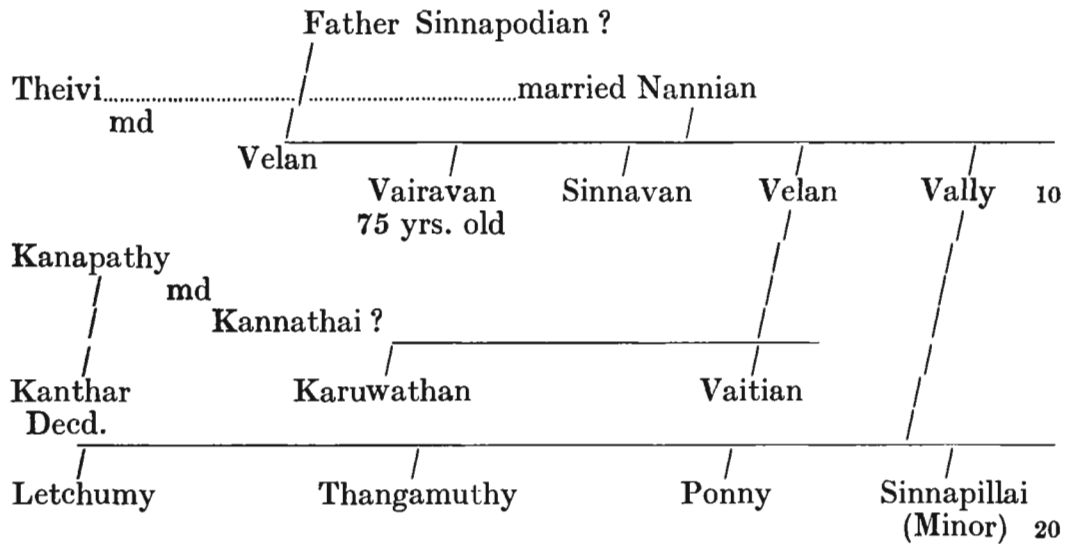
Vide Pedigree above.

X 2.

X 2
Document
tendered to
Court by
Mr. Adv.
Ponnampalam
Counsel for
the 4th to
11th and
20th to 26th
Respondents
13-12-55

Document tendered to Court by Mr. Adv. Ponnampalam,
Counsel for the 4th to 11th and 20th to 26th Respondents.

13-12-55.



VAIRAVAN

Theivy and Velan lived at Chandilipay in Velauthan Valavu. Kanapathy was born there. Theivy married Nannian and continued to live there, and four children were born there. We moved to Changanai 50 years ago. Before that Kanapathy who was 5 years older left our house and went to Koddai. Kanapathy was employed under Ampalam (son Navaratam) and lived in their land (home) known as Peththrarvalavu. He became a rogue and Ambalam chased him away and he went to Koddady. He used to visit us. Mother and I used to visit Kanapathy.

Within a year he married Kannathai of his own accord and without our knowledge. He worked at Koddady under Kumaru and Suppapillai and others. Kandan was born when we were living in Velanthan Valavu at Chandilipay. Before Kandan, a dumb girl was born 2 years earlier. Some years later, Kanapathy was drowned when the 2 children were under 10 years. My mother and father heard of Kanapathy's death, went later. Mother went to Koddady and brought the children to Changanai. They stayed with us for about 6 months. Kandan was about 7 or 8, Kanathar's? took them to Trinco, with a husband where the dumb girl died. Not heard of for some years. Then teacher Vythialingam brought us together. He used to visit with teacher. I used to go there. I went to Hospital to see Kandan at that time. Vythialingam had his daughter in Hospital. I spoke to Dr. Mills. He asked me who I was. He used to practise at Changanai and Chandilipay (find out patients.)

X 2.

(Intd.)

D. J.

13-12-55.

X 1
 Document
 tendered to
 Court by
 Mr. Adv.
 Ponnampalam
 Counsel for
 the 4th to
 11th and
 20th to 26th
 Respondents
 —continued.

4 R 29.

**Statement " B " filed in the Declaration of Property
filed by the Administratrix in Testamentary
Case No. 167 D. C. Jaffna.**

4 R 29.

IN THE DISTRICT COURT OF JAFFNA.

In the matter of the Last Will and Testament of the
estate of the late Ilaiyavi Arumugam of Karaiyoor.

Deceased.

Testamentary
10 Jurisdiction.

No. 167/T

Chellammah, wife of Phillip of Karaiyoor.

Petitioner.

Vs.

Rasamany, widow of Muttu of Alaveddy.

*Respondent.***Statement " B "**

SCHEDULE NO. 1.

		Rs.	cts.
20	1. Iron Safe ..	50	00
	2. Big Almyrah ..	20	00
	3. Small Almyrah (3) ..	40	00
	4. Two Boxes ..	10	00
	5. Two Almyrahs ..	8	00
	6. One Table ..	3	00
	7. Six Chairs ..	6	00
	8. Two Benches ..	1	00
	9. Nine Big Bottles ..	4	50
	10. 240 Small Bottles with Medicine and Oils and Empty ..	4	00
30	11. Medicine worth ..	50	00
	12. Four Cooking Brass Vessels ..	2	50
	13. Aluminium Tiffin Carrier ..	1	00
	14. Gold Medical Chest ..	8	00
	15. Four Grinding Stones ..	10	00
	16. Two Motor Stones ..	1	00
	17. One Iron Pestle ..	0	50
	18. Gold Ring with Blue ..	25	00
	19. Medical Book and Edu. ..	10	00

4 R 29
Statement
"B" filed in
the declara-
tion of
Property
filed by the
adminis-
tratrix
in Testa-
mentary
case
No. 167 D.C.
Jaffna

4 R 29
Statement
"B" filed in
the declara-
tion of
Property
filed by the
adminis-
tratrix
in Testa-
mentary
case
No. 167 D.C.
Jaffna
—continued.

		Rs.	cts.
20.	One Small Motor ..	0	50
21.	One St. Thomas Clock ..	25	00
22.	Six Easy Chairs ..	6	00
23.	Three Pictures ..	1	00
24.	Three Pictures ..	1	00
25.	One Bed ..	8	00
26.	One Bench ..	1	50
27.	One Sofa ..	4	00
28.	Iron Presser ..	2	50 10
29.	One Kettle ..	1	50
30.	Stone Motor (2) ..	3	00
31.	One Jar ..	0	50
32.	One Mirror ..	2	00
33.	One Betel Tray ..	0	50
		311	50
	Amount lying in deposit in Testamentary case No. 605 D. C. Jaffna ..	8280	41
	Amount still to be recovered in case No. 17775 D. C. Jaffna ..	677	75 20
	Amount to be recovered in case No. 286 D. C. Jaffna ..	150	00
	Balance amount to be recovered in case No. 17778 D. C. Jaffna ..	1900	00
	Amount still due on bond No. 17105 Sethuppillai, widow of Chinniah of Vannarponnai East ..	700	00
		3427	75
		12019	66

N.B.—There are four sets of claimants to the estate of the late Kanapathy Kanther which is being administered in Testamentary case No. 605 D. C. Jaffna and each set of claimants claims the entire estate for themselves. The final Account in the said Testamentary case No. 605 has not yet been filed and the question of heirship has not yet been decided. After those things are done only the exact quantum of estate of the deceased Elaiyavi Arumugam could be ascertained. In the meantime the entire estate is disclosed in this declaration and statement. The deceased Eliyavi Arumugam will at any rate be entitled to one-fourth share of the said estate administered in Testamentary case No. 605 D. C. Jaffna.

True copy Statement "B" filed in the declaration of Estate Duty Ordinance No. 1 of 1938, issued on the application of Mr. S. Sivagnanam, Proctor S. C. & N. P.

(Sgd.) K. A. SEBASTIAN,
Secretary. D. C. Jaffna.

C.C.

500



32 R 3

Copy of Registration Entries
D 29/144, D 57/326 and D 226/183.

32 R 3

32 R 3
Copy of
Registration
entries
D 29/144,
D 57/326
and
D 226/183

Application No. 2944/29-11-55.

D 29/144, 57/326 and 226/183.

Division : D

Volume 226

Folio : 183

Brought forward from

Volume.
D 57Folio.
326

Boundaries :—

T. P. No.

Name of Land: Periyapulattuvayal

Lot No.

Village or Town and Street: Karaiyur

Asst. No.

Pattu: Chundikuli

Korale: Jaffna

District: Jaffna

Province: Northern.

E. Road.N. Property of Luvisappillai, widow of Vastiampillai.W. Property of Joseph Cherubium and brothers.S. Property of Barharappillai, widow of Antonippillai.

Extent: 11 Lms. P. C. & 3½ Kls.

32 R 3
Copy of
Registration
entries
D 29/144,
D 57/326
and
D 226/183
—continued.

Date of Registry (Day Book No. and Date)	Grantors (Name in Full and residence)	Grantees Name in Full and residence	Nature and Particulars of Alienations and Encumbrances (To be concisely and clearly stated)	No. and date of Deed	Name of Notary, Judge, &c.	Regn. Stamp Duty	Signature of Registrar	Remarks
27805 4 Dec., 1953	Pavilu Philip & wife Chellammah alias Mariammah of Karaiyur	Manual Chusaimuttu and wife, Lucia of Vannarponnai	Mortgage of the above for Rs. 2500/- with interest at 9% p. a.	1671 28 Sept., 1953	J. Patrick, W.P.	—	Sgd. K. Duraiappah	<u>N.</u> V. Benedict & Shareholders <u>W.</u> J. Cherubium & Shareholders <u>S.</u> A. Johnpillai
27806 4 Dec., 1953	The address of the mortgagee in the above regd. bond No. 1671 is Manaval Soosaimuttu Barber, Vannarponnai Jaffna.			Appln. dated 4 Dec., 1953		-/50	Sgd. K. Duraiappah	
17949 2 Sept., 1955	Kanapati Kantar of Karaiyur	Mariamamah Chellammah daughter of Ilaiyathamby Arumugam of Karaiyur	Donor of the above value Rs. 3000/-	11567 12 Nov., 1923	B. Joachimpillai, N.P.	—	Sgd. P. Asirvatham	<u>N.</u> V. Benedict & Shareholders <u>W.</u> J. Cherubium & Shareholders <u>S.</u> A. Johnpillai
17950 2 Sept., 1955	M. Chusaimuttu	Pavilu Philip and wife Chellammah, Alias Mariammah of Karaiyur	Discharge of mortgage bond No. 1671 regd. above	Discharge not dated		Rs. 2/-	Sgd. P. Asirvatham	
17951 2 Sept., 1955	Pavilu Philip & wife Chellammah, Alias Mariammah of Karaiyur	Chavirimuttu Anthonipillai of Chundikkuli	mortgage of the above for Rs. 7000/- with interest at 12% P.A. but at 10% P.A. if paid Quarterly	3385 24 July, 1955	S. Ratnasingam, N.P.	—	Sgd. P. Asirvatham	<u>N.</u> Catholic Mission <u>S.</u> A. Johnpillai
17952 2 Sept., 1955	The address of the mortgagee in the above regd. bond No. 3385 is Savirimuttu Anthonipillai, Temple Road, Chundikkuli.			appln. dated 24th July, 1955.		-/50	Sgd. P. Asirvatham	

I, K. Duraiappah, Registrar of Lands of Jaffna do hereby certify that the foregoing is a true copy of the registration entries appearing in the land registers, D Volumes 29, 57, & 226 and Folios, 144, 326 & 183 respectively of this office upto and including 30-11-55 and the same is granted on the application of Mr. S. Sivagnanam of Chankanai.

Sgd. K. Duraiappah,
Registrar of Lands.

Land Registry,
Jaffna, 6-12-55.

Division D

Volume 57

Volume

Folio
144

Folio 326

Brought forward from D29

Name of Land: Periyapulattuvayal

Boundaries:—*E.* Road
N. Property of Luvisappillai, widow of Vastiyampillai
W. Property of Joseph Cherubium and brothers
S. Property of Barharappillai, widow of Anthonippillai.

T.P. No.
Lot No. Situation
Asst. No.

Village or Town and Street: Karaiyoor

Pattu: Chundikuli

Korale: Jaffna

District: Jaffna

Province: Northern.

Extent: 11 lms. P.C. & 3½ Kls.

Date of Registry (Day Book No. and Date)	Grantors (Names in full and residence)	Grantees (Name in full and residence)	Nature and Particulars of Alienations and Encumbrances (To be concisely and clearly stated)	No. and date of deed	Name of Notary, Judge, &c.	Regn. Stamp Duty	Signature of Registrar	REMARKS
DB 9697 24 May, 1916	Kanapati Kantar of Karaiyur	Irayappu Chavari-muttu of Karaiyur	Mortgage of the above for Rs. 400/- & interest at 1% per annum	No. 6824 13 May, 1916	B. Joachimpillai, N. P.	Rs. 3/-	S. Veluppillai (Sgd.)	Southern Boundary property of a Johnpillai
14437 30 Sept., 1926	Pavilu Philuppu and wife, Mariamma Chelamma of Karaiyur	Avurampillai David & daughter or Clara David of Karaiyur	Mortgage of the above for Rs. 300/- & Interest at 12% per annum	13141 11 Sept., 1926	B. Joachimpillai, N. P.	—	S. Veluppillai (Sgd.)	North property of Bastiyampillai Benedict & Shareholders, Rest of the boundary as in deed No. 6824 above regd.
3623 18 Feb., 1931	Pavilu Philippu and wife, Mariamma Chelamma of Karaiyur	Sabestiyam Joseph & Valliyammai, Daughter of Mark of Karaiyur	Lease of the above for a term of 28 months from 1st Feb., 1931 rent Rs. 392/- for the whole term	15957 4 Feb., 1931	B. Joachimpillai, N. P.	—	C. Saravanamuttu (Sgd.)	<i>N.</i> by V. Benedict <i>W.</i> by C. Chavarimuttu <i>S.</i> by A. John
16789 8 Octr., 1931	Avurampillai David of Karaiyur	Clara David Daughter of Avurampillai David of Karaiyur	Transfer by donor of the above regd: Mort. No. 13141 Value Rs. 2500/- of this & 4 others	16333 12 Sept., 1931	B. Joachimpillai, N. P.	—	C. Saravanamuttu (Sgd.)	With lands in D86/113, 111/180, 69/237, 83/296 S. Anthonippillai Johnpillai Northern boundary as above deed No. 13141.

True copy substituted under section 40 of the registration of Documents ordinance (Cap., 101) with the sanction of the Registrar General.

Sgd. K. Duraiappah, Registrar of Lands.

Jaffna 27/8/1954

Volume
Carried over to D 226.

Folio
183.

D29

Folio : 144 Northern Province, Jaffna District Jaffna Korale, Karaiyoor Village, Chundikkuli Pattuwa.

Brought Forward

Form D. 22/109

Only Deeds of Transfer (by sale, gift, or otherwise) affecting Entire lands which have not been previously registered are to be registered here. All other deeds to be registered below.

Regn: Plan No.	Name	Periyapulattuvayal
Title Plan No.	Boundaries	East by road
Allotment No.		North by the property of Luvisapillai, widow of Vastiyampillai
Description of Property		West by the property of Joseph Cherubium and brothers
	South by the property of Barbarapillai, widow of Antonippillai	
	Extent	7 Lms. P.C. & 11¼ Kulies but according to survey plan
		11 Lms. P.C. & 3½ Kulies with house, well, palmyrah trees cultivated and spontaneous plantations

Name, Residence, and occupation of proprietor :—
Nature of Title

Kanapati Kantar of Karaiyur
By purchase from Penkasame Gregory and wife Kattnappillai of Chundikkuli

No. and Date of Deed, and Name of Notary :—

No. 613 dated 30th April, 1903 A.Modr. Veluppillai Notary

Value of Property :—

Rs. 900/-

Stamps :—

Rs. 4/-

Place and date of Registry :—

Jaffna 25th May, 1903

Remarks :—

Sgd. K. Sivapiragam, Registrar.

32 R 3
Copy of
Registration
entries
D 29/144,
D 57/326
and
D 226/183
—continued.

ALIENATIONS AND ENCUMBRANCE

Date of Registry (Day Book date)	Grantors (Names in full and residence)	Grantees (Names in full and residence)	Nature and Particulars of Alienations and Encumbrances (to be concisely and clearly stated)	No. and Date of Deed	Name of Notary, Judge, &c.	Stamps	Registrar	Remarks
1903 October 13 66	Kanapati Kanthar of Karaiyur	Bogananantar Nussar of Jaffna Town	Mortgage bond for Rs. 350 and interest at one per cent per annum of the above property with all contained therein	No. 483 12th October, 1903	V. Casippillai Notary	Rs. 3/-	Sgd. M. Karalasingam	According to this deed Periyapulattuvayal 11 Lms. P.C. & 3½ Kls. with house, well, palmirah trees, cultivated and spontaneous Plantations
1906 July 10 DB. 2660	Avirampillai Joseph and Kanapati Kantar both of Karaiyur	Joseph Tnelleyu Johnpillai & wife, Rosamuttu Angalina Chinnamma both of Karaiyur	Mortgage of the above with its appurtenance for Rs. 700/- with interest @ one per cent per mensum	No. 857 18th June, 1906	B. Joachimpillai Notary	See D 36/250	Sgd. B. Francis	With another Land see D 36/250 S. Boundary land belonging to Anthonippillai John & Share-holders
1910 June 16 DB. 2418	Kanapati Kantar of Karaiyur	Christina Joseph, widow of Chuvampillai Joseph of Karaiyur and Chuvampillai Benidiet now of Puttalam	Mortgage of the above for Rs. 400/- and interest at one % per annum	No. 2964 11th June, 1910	B. Joachimpillai Notary	Rs. 3/-	Sgd. B. Francis	Southern Boundary property of A. John & Share-holders.
1915 June 14 DB. 3145	Kanapathi Kantar of Karaiyur	Joseph Bastiyampillai of Colombo	Mortgage of the above for Rs. 500/- with interest @ 12 % per annum	No. 6084 8th June, 1915	B. Joachimpillai N. P.	Rs. 3/-	Sgd. B. Francis	Southern Boundary property of A. John & Share-holders.

Carried over to D 57/326