

29, 1968

29

No. 24 1967

Supreme Court of Ceylon,
No. 391 (Final) of 1963.

District Court of Kandy,
Case No. 5765/L.

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

BETWEEN

TIKIRI BANDA DULLEWE of Galkanda, Anniewatte,
Kandy (Defendant-Appellant)
APPELLANT

And

1. PADMA RUKMANI DULLEWE by her duly appointed *next-friend*
 2. LOKU BANDA GIRAGAMA both of Dodantale Walawwa, Mawanella.
- (Plaintiffs-Respondents)
RESPONDENTS

UNIVERSITY OF LONDON
INSTITUTE OF ADVANCED
LEGAL STUDIES
16 JAN 1969
25 RUSSELL SQUARE
LONDON, W.C.1

RECORD OF PROCEEDINGS

INDEX -- PART I

Serial No.	Description of Document	Date	Page
1	Journal Entries	18. 5. 59 to 31. 8. 66	1
2	Plaint of the Plaintiffs (with Pedigree, Abstract of Title, and Appointment as next-friend)	18. 5. 59	11
3	Answer of the Defendant	7. 7. 59	24
4	Proceedings before the District Court and Orders made by the District Court	15. 6. 61 1. 9. 61 21. 5. 62 27. 8. 62 30. 1. 63	26
5	Affidavit of the 2nd Plaintiff	9. 2. 63	30
6	Proceedings before the District Court	11. 2. 63	31
7	Issues Framed	---	31
8	Plaintiffs' Evidence	---	32
9	Judgment of the District Court	9. 9. 63	33
10	Decree of the District Court	9. 9. 63	35
11	Application of the Defendant for stay of execution of Decree	9. 9. 63	43
12	Affidavit of the Defendant	9. 9. 63	45
13	Petition of Appeal to the Supreme Court	9. 9. 63	46
14	Judgment of the Supreme Court	3. 12. 65	48
15	Decree of the Supreme Court	3. 12. 65	50
16	Application for Conditional Leave to Appeal to the Privy Council	22. 12. 65	51
17	Minute of Order granting Conditional Leave to Appeal to the Privy Council	21. 6. 66	53
18	Application for Final Leave to Appeal to the Privy Council	6. 7. 66	54
19	Minute of Order granting Final Leave to Appeal to the Privy Council	13. 8. 66	55

INDEX - PART II
Exhibits
PLAINTIFFS' DOCUMENTS

Exhibit Mark	Description of Document	Date	Page
P1	Deed No. 183 attested by J. L. P. R. Tambyraja, Notary Public	26. 5. 41	57
P2	Revocation of Gift, No. 9048, attested by H. D. E. Gunasekera, Notary Public	26. 10. 43	77
P3	Deed of Gift No. 9049 attested by H. D. E. Gunasekera, Notary Public	26. 10. 43	89

No. 1
Journal Entries
18. 5. 59 to
31. 8. 66
—Continued

- (5) 7. 11. 59.
Plaintiff files list of witnesses & documents.
Intd ...
- (6) 18. 11. 59.
Defendant files list of witnesses
Intd
- (7) 20. 11. 59 Trial (1)
Mr. Dias Desinghe for Plaintiff
Mr. Kobbekaduwa for Defendant
No Time. **10**
Trial 17. 3. 60.
Sgd. V. Manicavasagar
20/11/59.
- (8) 17. 3. 60 Trial (2)
Mr. Dias Desinghe for Plaintiff
Mr. Kobbekaduwa for Defendant.
Vide proceedings in L 5695 Trial postponed for the same reasons as
in 5695 to 21. 7. 60.
Sgd. V. Manicavasagar
17.3.60 **20**
- (9) 12. 7. 60
Mr. Dias Desinghe for Plaintiffs
Mr. Kobbekaduwa for Defendant
As this case is fixed for trial on 21. 7. 60 and as it is likely to be
settled after the properties which are the subject matter of this case
have been inventorised by the Public Trustee in case No: T527 of this
Court Proctor for plaintiffs moves that the case be postponed.
The plaintiff is a minor.
Proctor for defendant has taken notice for 14th instant.
Mention on 14/7/60
Sgd. V. Manicavasagar **30**
13/7/60
- (10) 14. 7. 60
Case called on motion for postponement of trial date.
Same grounds as in L 5695.
Call this on 24. 10. 60
Sgd. V. Manicavasagar
14/7/60

(11) 24. 10. 60

Case called.

Call this case on 26. 11. 60

No I.
Journal Entries
18. 5. 59. to
31. 8. 66.
—Continued

Sgd. V. Manicavasagar
24. 11. 60.

(12) 26. 10. 60

Case called on motion for postponement of trial.

Proxy of M. Ellepola filed for defendants.

Mr. Kobbekaduwa is no longer in practice.

10

Trial 14. 3. 61.

Sgd. V. Manicavasagar
26. 11. 60

(13) 7. 3. 61

Plaintiffs' additional list of documents filed.

Intd.....

(14) 14. 3. 61

Trial (3)

Mr. E. Dias Desinghe for plaintiffs.

Mr. G. B. Ellepola for defendant.

No Time.

20

Trial 15.6.61.

Sgd. V. Manicavasagar
14. 3. 61.

(15) 15. 6. 61

Trial (4)

Mr. E. Dias Desinghe for plaintiffs

Mr. G. B. Ellepola for defendant.

Vide proceedings.

Call 16. 8. 61.

Sgd. V. Manicavasagar
16. 6. 61.

30

(16) 16. 8. 61.

Case called.

Call this case on 30/8/61

Sgd. V. Manicavasagar
16/8/61

No. 1
Journal Entries
18. 5. 59 to
31. 8. 66
—Continued

(17) 30. 8. 61 Case called.

Call 1/9/61

Sgd. V. Manicavasagar
30/8/61

(18) 1. 9. 61 Case called.

Vide proceedings and order.

Sgd. V. Manicavasagar
1. 9. 61

(19) 8. 2. 62

Reference orders of Court dated 15.6.61 & 1.9.61, Proctor for 10 defendant states the 2nd plaintiff who is the Next-Friend of the 1st plaintiff has refused to accept the deed of gift which is ready for signature & moves that Court be pleased to order the Secretary to accept the said gift on behalf of the 1st plaintiff.

Proctor for plaintiffs receive notice for 14.2.62.

Mention on 14.2.62.

Sgd. V. Manicavasagar
District Judge
8. 2. 62.

(20) 14. 2. 62

20

Journal Entry (19) mentioned.

Mr. Desinghe for plaintiffs.

Mr. Ellepola for defendant.

Proctor for plaintiff has no objection to the Secretary accepting the deed of gift.

I do not think I could approve this; the Secretary of this Court cannot accept a deed of gift to a minor.

Sgd. V. Manicavasagar
14. 2. 62.

(21) 27. 2. 62

30

In view of the continued refusal of the 2nd plaintiff the next-friend of the minor to accept the deed of gift, Proctor for defendant moves that Court be pleased to give such directions as it may deem fit and also moves that the case be called on 16.3.62 for him to support the application.

Proctor for plaintiffs receive notice for 16.3.62.

Mention on 16.3.62

Intd
District Judge

(22) 16. 3. 62

Mr. E. Dias Desinghe for Plaintiffs
Mr. G. B. Ellepola for Defendant

Journal Entry (21) mentioned.

Call before District Judge 23/3/62

Sgd

16/3/62

(23) 23. 3. 62

10 Case called vide Journal Entry (22) Mr Advocate Dunuwille
in support.

Issue a notice on the plaintiff and her next friend to appear
in Court on 18. 4. 62 to show cause if any, why the deed of gift
prepared by the defendant should not be accepted.

Sgd: V. Siva Supramaniam
23. 3. 62.

(24) 5. 4. 62

Notice on plaintiffs issued to Fiscal. Kegalle returnable 17. 4. 62.

(25) 18. 4. 62

Intd.

20 Notice served on 1st and 2nd plaintiffs

They are present but are not willing to accept the deed of
donation.

I fix the matter for inquiry on 21. 5. 62

Sgd: V. Siva Supramaniam
18. 4. 62.

(26) 21. 5. 62

INQUIRY

Vide proceedings.

Case fixed for trial on 27. 8. 62.

30

Sgd: V. Siva Supramaniam
21. 5. 62.

(27) 27. 8. 62

Mr. E. Dias Desinghe for plaintiffs

Mr. G. B. Ellepola for defendant

Trial (5)

Trial 6. 12. 62.

Vide proceedings

Sgd: P. S. W. Abeywardene.

No. 1
Journal Entries
18. 5. 59 to
31. 8. 66
—Continued

(28) 2. 11. 62

Proctor for defendant with notice to Proctor for plaintiff for 7. 11. 62.
moves to postpone the trial fixed in this case.

Call case 7. 11. 62.

Sgd: P. S. W. Abeywardene.
District Judge

(29) 7. 11. 62.

Case called
Trial refixed for 30. 1. 63.

Sgd: P. S. W. Abeywardene 10
District Judge

(30) 30. 1. 63

Trial (1)
Vide proceedings & order.

Enter *Decree - Nisi* dismissing the plaintiffs' action with costs.

Sgd: V. Siva Supramaniam,
31 1. 63.

(31) 2. 2. 63

Proctor for plaintiffs moves as the 2nd plaintiff who is the next-friend 20
could not be present in court on the last date owing to the very
serious illness of the 1st plaintiff's husband, that the Court be pleased
to vacate the order made on the last date and refix this case for
trial.

And further moves that this motion be called on 7th February
to enable him to support it.

Copy of motion forwarded to Proctor for plaintiff under regis-
tered cover.

Call 7. 2. 63.

Intd 30
District Judge
5. 2. 63.

(32) 7. 2. 63.

Case called vide Journal Entry (31) above.
Of consent, enquiry on 11. 2. 63.

Sgd: V. Siva Supramaniam.
7. 2. 63.

(33) 11. 2. 63

Mr. E. Dias Desinghe for Plaintiffs
Mr. G. B. Ellepola for Defendant.

No 1.
Journal Entries
18. 5. 59. to
31. 8. 66.
—Continued

ENQUIRY

Vide proceedings.

Parties sign the record in acknowledgment of the terms of settlement which have been explained to them.

Call case on 25. 2. 63.

Sgd: V. Siva Supramaniam.

11. 2. 63

10

1st Plaintiff :- Sgd. R. Dullewa.
Defendant :- Sgd. T. B. Dullewa
2nd Plaintiff :- Sgd. L. B. Giragama.
Terms of Settlement explained.

Sgd:.....

11. 2. 63.

Interpreter.

(34) 9/13. 2. 63

Proctor for 2nd plaintiff files affidavit from 2nd plaintiff together
20 with his motion dated 8. 2. 63 and moves to refile the case for trial

Vide order at Journal Entry (33) of 11. 2. 63.

Sgd: V. Siva Supramaniam.

District Judge

(35) 25. 2. 63

Case called - Vide (33)

Mr. Dias Desinghe states that the sum of Rs. 315/- has been paid to the Proctor for defendant.

He tenders receipt from Proctor for defendant.

Mr. Ellepola for defendant present. Of consent.

30

Trial on 18. 6. 63.

Intd.....

Additional District Judge

25. 2. 63.

(36) 18/21. 5. 63

For the reasons stated in his motion Proctor for plaintiffs moves to postpone the Trial in this Case.

Proctor for Defendant consents & receives notice for 22nd instant.

Call on 22. 5. 63.

40

Sgd: V. Siva Supramaniam.

District Judge

No. 1
Journal Entries
18. 5. 59 to
31. 8. 66
—Continued

(37) 22. 5. 63

Case called vide Journal Entry (36) I allow the application.
Take case off the trial roll not on 18. 6. 63.

I refix for 30. 6. 63.

Sgd: V. Siva Supramaniam.
22. 5. 63.

Mr. E. Dias Desinghe for Plaintiffs.

Mr. G. B. Ellepola for Defendant.

(38) 30. 8. 63

Trial

Vide proceedings.

Documents 2. 9. 63.

Sgd: V. Siva Supramaniam.
30. 8. 63.

(39) 2. 9. 63

Documents filed.

Judgment 9. 9. 63.

Sgd: V. Siva Supramaniam.
2. 9. 63.

(40) 2. 9. 63

Documents marked P1 to P3 filed.

Intd

(41) 9. 9. 63

Judgment delivered in open Court.

Vide proceedings.

Sgd: V Siva Supramaniam.
9. 9. 63.

(42) 9. 9. 63

Proctor for defendant - appellant tenders petition of appeal from
the defendant - appellant together with the following: 30

1. Application for typewritten copies,
2. Kachcheri Receipt for Rs. 50/-,
3. Consent motion dispensing with notice of security for costs of
appeal and Notice of Appeal,
4. Stamps in Rs. 24/- for the Certificate in Appeal and
5. Stamps in Rs. 48/- for Supreme Court Judgment.

1. File.
2. Of consent Notice of Security for costs of Appeal. Security for costs of Appeal and Notice of Appeal dispensed with.
3. Forward record to the Supreme Court.

No 1
Journal Entries
18. 5. 59. to
31. 8. 66.
—Continued

Sgd: V. Siva Supramaniam.
District Judge
9. 9. 63.

(43) 9. 9. 63

- 10 Proctor for defendant petitioner files petition and affidavit from the defendant - petitioner and for the reasons stated therein moves that the execution of the Decree entered in this case be stayed pending the appeal preferred by the defendant - petitioner.

Proctor for plaintiffs respondents received copy of petition and affidavit and received notice for 11. 9. 63.

Call case on 11. 9. 63.

Sgd: V. Siva Supramaniam.
District Judge
9. 9. 63.

20 (44) 11. 9. 63

Case called vide Journal Entry (43)

Proctors present

Of consent, defendant to give security in Rs. 1000/-. If security is so given, execution to be stayed till the decision of the case in appeal.

Security on 2. 10. 63.

Sgd: V. Siva Supramaniam
11. 9. 63.

(45) 2. 10. 63

- 30 Mr. Dias Desinghe for Plaintiffs
Mr. G. B. Ellepola for Defendant
Security Rs. 1000/-.
Kacheheri Receipt filed.
Bond on 16. 10. 63.

Sgd: V. Siva Supramaniam.
District Judge
2. 10. 63.

No. 1
Journal Entries
18. 5. 59 to
31. 8. 66
—Continued

(46) 16. 10. 63

Bond due

6. 11. 63

Sgd: V Siva Supramaniam
16. 10. 63.

(47) 6. 11. 63

Bond due – filed.

Stay execution.

Forward record to Supreme Court.

Sgd. V. Siva Supramaniam. 10
District Judge
6. 11. 63.

(48) 9. 11. 63

Decree entered.

(49) 17. 12. 65

Intd.

- i. The Registrar, Supreme Court forwards the record together with Supreme Court Decree & Judgment, the appeal having been dismissed with costs.
- ii. The Registrar Supreme Court states that stamps in 20 Rs. 20/- is deficient on the Supreme Court Decree & requests that the same be recovered.
 - i Proctors to note.
 - ii. Call for deficiency of Stamps from Proctor for Defendant – Appellant.

Sgd:
District Judge
20. 12.

(50) 2. 1. 66

Deficiency of stamps called for.

Intd. 30
Secretary.

(51) 31. 8. 66

Registrar Supreme Court by his letter No. B78/66 of 12. 8. 66 requests to forward immediately the original record of proceedings in this case together with all documents produced at the trial as final leave has been granted to appeal to the Privy Council against the judgment of the Supreme Court.

Forward immediately.

Intd. 40

No. 2

Plaint of the Plaintiffs

No. 2
Plaint of the
Plaintiffs —
18. 5. 59

(with Pedigree Abstract of Title and appointment as *next-friend*)

Land Case
Value Rs. 50000/-
Class 5
Procedure: Regular.

IN THE DISTRICT COURT OF KANDY

10 1. Padma Rukmani Dullewe, Minor, by her duly
appointed next-friend,
2. Loku Banda Giragama, both of Dodantale Walauwe
in Mawanella. *Plaintiffs*

No. L. 5765 *Vs.*
Tikiri Bandara Dullewe of Galkanda in Aniewatte,
Kandy. *Defendant*

This 18th day of May 1959.

The Plaint of the plaintiffs-abovenamed appearing by their Proctor Edmund Dias Desinghe states as follows:-

1. The plaintiffs and the defendant reside at the places aforesaid
20 within the jurisdiction of this Court.

2. Dullewe Maha Walawwe Loku Banda Dullewe Rate Adigar was the original owner of the lands and premises described in the schedule hereto of the value of Rs. 30000/-.

3. The said Loku Banda Dullewe Rate Adigar upon deed No. 183 dated 26th May 1941 gifted the said premises to his son Navaratne Wickremasinghe Samarakoon Jayatilleke Pandita Mudiyanse Ralahamillage Richard Dullewe and put and placed him in possession thereof.

4. The said Richard Dullewe died in or about May 1943 leaving
30 as his only heir his daughter the 1st plaintiff and she became entitled to the said premises.

5. The defendant without any manner of right or title to the said premises and claiming title to the same, has been in the wrongful and unlawful possession of the same since November 1943 to the 1st plaintiffs' loss and damage of Rs. 20000/-.

6. Causes of action have now accrued to the plaintiffs to sue the defendant for a declaration that the 1st plaintiff is entitled to the said premises and for recovery of damages in the said sum of Rs. 20000/- and further damages at the rate of Rs. 3000/- a year till possession is yielded.

7. The 1st plaintiff is a minor of the age of 15 years and the 2nd plaintiff has been duly appointed next-friend over the 1st plaintiff in proceedings No: NF 156 L of this Court.

WHEREFORE THE PLAINTIFFS PRAY:

- A. That the 1st plaintiff be declared entitled to the said lands and premises described in the schedule hereto.
- B. That the defendant be ordered to pay the 1st plaintiff the said sum of Rs. 20000/- on account of damages already sustained and further damages at the rate of Rs. 3000/- a year till possession is yielded.
- C. For costs in this behalf incurred, and
- D. For such other and further relief in the premises as to this Court shall seem meet.

10

Sgd: E. Dias Desinghe
Proctor for Plaintiffs

THE SCHEDULE ABOVE REFERRED TO

1. An undivided one-sixth (1/6) share of the land called Kehelwattchena situated at Talagahagoda in the Udasiyapattu of the Asgiri Korale in the Southern Division of the Matale District containing in extent about two acres and bounded on the East by Galpila, South 20 by the fence of the Hena belonging to the Basnayake Nilame, West by Mala Ela and on the North by the limit of Pansalehena.

2. An undivided one-sixth (1/6) share of the land called Pallewatte situated at Daluwela in the Udasiya Pattu aforesaid containing in extent about six acres and bounded on the East by Ela and fence of Koralegederawatte, South by Pihillalanda Galheeriya, West by Ela and fence of Aluvihare Walawwewatte and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela.

3. An undivided half (1/2) share of the field called Hewankumbura situated at Dullewe in Udasiyapattu aforesaid containing in extent 30 about six lahas paddy sowing and bounded on the East by Owille Gedera Kumbura and Pansala Kumbura, South by Owille Gedera Kumbura and Paragodagedera Kumbura, West by Oya and North by Baddegedara Kumbura.

4. An undivided one Twelfth (1/12) share of the land called Kehelwattchena situated at Talgahagoda aforesaid containing in extent about two acres and bounded on the East by Galpila, South by the fence of the Hena belonging to Basnayake Nilame, West by Maha Ela and on the North by the limit of Pansalehena.

5. An undivided one Twelfth ($1/12$) share of the land called Pallewatte situated at Daluwela aforesaid containing in extent about six acres and bounded on the East by Ela and fence of Koralegederawatta. South by Pihillalande Galheeriya. West by Ela and fence of Aluvihare Walawwewatta and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela.

No. 2
Plaint of the
Plaintiffs —
18. 5. 59
—Continued

6. An undivided one Twelfth ($1/12$) share of the field called Waralakwela Makulamula Kumbura situated at Dullewa in Udasiyapattu aforesaid containing in extent one Pela paddy sowing and bounded on the
10 East by Elaweilla, South by Manniyara or Gansabawa Road, West by Ela and on the North by Imaniyara of Yatawattegedera Kumbura.

7. An undivided half ($1/2$) share of the field called Hewankumbura situated at Etipola in the Udasiya Pattu aforesaid containing in extent Eight lahas paddy sowing and bounded on the East by Imaniyara of Pansale Kumbura and Imaniyara of Owilgedera Kumbura. South by Imaniyara of Paragodagedera Kumbura, West by Oya and on the North by Imaniyara of Baddegedera Kumbura.

8. An undivided half ($1/2$) share of the field called Dalupottelindalanga Hayalaha situated at Dullewa aforesaid containing in extent about six
20 lahas paddy sowing and bounded on the East by Pahalagederawatta and Lindapitiyawatte South by limit of the field belonging to Dullewa Korale Maha'maya, West by Gallenamullegedera Kumbura and limit of the field belonging to Ihalawalawwe Banda and on the North by the limit of the field belonging to Ihalawalawwe Banda

9. All that land called Hewankumbura Pillawa together with house standing thereon situated at Kekulalla in Dullewa aforesaid containing in extent about one Nellie Kurakkan sowing and bounded on the East by fence of the garden of Basnayake Nilame, South by fence of Hewankumbura Pillawa belonging to Pinchi Banda and others, West by
30 Kumbura Iwura and on the North by fence.

10. All that field called Wadukumbura containing in extent six lahas paddy sowing together with the Pillawa adjoining thereto containing in extent one Nellie Kurakkan sowing situated at Dullewa aforesaid and bounded on the East and South by Imaniyara of the field belonging to Aluwihare Uda Walawwa, West by fence of garden of Gonnewe Punchi Appuhamy and on the North by Imaniyara of the field of Ratninde Walawwa.

11. An undivided one twentieth ($1/20$) share of the field called Oyekumbura situated at Dullewa aforesaid containing in extent
40 two pelas paddy sowing or one and sixty seven upon one hundred ($167/100$) acres bounded on the East by the field belonging to Seerala and Appuhamy, South by Oya, West by limit of the fields belonging to Ratninde Banda and two others and on the North by the field belonging to Palingu Menika, Punchi Banda and Wattedgedera Seerala.

12. All that land called Kehelkoduwa situated at Naidona in the Udasiya Pattu aforesaid containing in extent six nellies kurakkan sowing and bounded on the East by Galenda of Kiriya's garden, South by stone fence of Wedakarayagewatta, West by Galenda of Kandehena on the North by Hene Ela belonging to Boda.

13. An undivided half (1/2) share of the land called Keenaghamullawatte situated at Dorakumbura in the Udasiya Pattu aforesaid containing in extent twenty nellies kurakkan sowing and bounded on the East by Walawwewatte Weta South by fence of Walawwewatta and Tanahena. West by Stone fence of Ihalawatta and on the North 10
 by Ela.

14. An undivided Two Eighth (2/8) shares of the land called Ihalakandehena situated at Dorakumbura aforesaid containing in extent twenty nellies kurakkan sowing and bounded on the East by Weilla. South by limit of Samadara's hena, West by Gallpila and on the North by the limit of Tikira's hena.

15. An undivided half (1/2) share of the land called Kehelwerel-lehena situated at Dorakumbura aforesaid containing in extent Five lahas Kurakkan sowing and bounded on the East by Galdetta, South by Galkande Ela, West by Galdetta of Warisa's field and on the North 20
 by limit of Dullandehena.

16. All that land called Kitulamulahena situated at Dullewa aforesaid containing in extent two acres and two roods (2A. 2R. OP) and bounded on the East by limit of Sinna Lebbe's land and the fence of Ran Naide's hena, South by Mala Ela of Walawwe Hena, West by the fence of Ran Naide's garden and on the North by fence of the garden belonging to Periyasamy.

17. An undivided one third (1/3) share of the land called Berawa-kandegalkoduwa situated at Alakolaanga in Dullewa aforesaid containing in extent five nellies kurakkan sowing and bounded on the East by 30
 Stone, South West and North by the land belonging to Periyasamy.

18. An undivided one third (1/3) share of the land called Attik-kagahamulahena situated at Alakolaanga aforesaid containing in extent five nellies kurakkan sowing and bounded on the East, South and West by the land belonging to Periyasamy and on the North by the lands belonging to Periyasamy and Sandana.

19. All that lot marked Q 145 A in Title Plan No: 125457 of the land called Moragollehena containing in extent Nine Acres, Two Roods and Ten Perches (9A. 2R. 10P.) situated at Dullewa aforesaid and bounded on the East by land described in Plan No: 123471, South by land 40
 described in plan No: 123471 and by a Water Course, South-West by a Road and on all other sides by land said to belong to the Crown, held and possessed by the said Donor upon a Crown Grant.

20. An undivided one third share of the Western half portion containing in extent Eight lahas paddy sowing out of the field called Gederawelckumbura containing in extent sixteen lahas paddy sowing together with Pillawa adjoining thereto containing in extent one Chundu Kurakkan sowing situated at Daluwela aforesaid and which said Western half portion and the Pillawa are bounded on the East by the limit of the remaining portion of this field, South by the limit of Alutgamaralage Aramba, West by the limits of Udagedera Kumbura and Pillawa and on the North by Heenepitiya.
- 10 21. An undivided one third (1/3) share of the Eastern half portion containing in extent six lahas paddy sowing out of the field called Gederawela containing in extent twelve lahas paddy sowing and of the adjoining field called Gederawela Kumbura containing in extent one pela paddy sowing situated at Daluwela aforesaid and which said Eastern half portion and the adjoining Gederawela Kumbura are bounded on the East by Udagedera Kumbura, South by Elaweilla, West by the limit of the remaining portion and on the North by Heenepitiya.
22. All that field called Kerameeyekumbura containing in extent
 20 two pelas and five lahas paddy sowing together with the adjoining high land called Welewattegederawatta containing in extent Eight Nellies Kurakkan sowing situated at Daluwela aforesaid and Which said Kerameeyekumbura and Welewattegederawatta are bounded on the East by the limit of Wallige Kumbura, South by limit of the field and garden belonging to Talagahagoda Ratemahatmaya, West by the limit of Hingurumaldeni Kumbura and on the North by the fence of Andenamulle Pillawa and the limit of Koralegedera Kalu Banda's field together with the house thereon.
23. All these lands called Welkotuwa and the adjoining Aramba
 30 Liyadda containing in extent three pelas paddy sowing situated at Talgahagoda aforesaid and bounded on the East by the fences of Panikkiyalaye Kumbura and Welkotuwegederawatta, South by Ela, West by fence of Navate Kumbura and Ela and on the North by the fence of Polwatta.
24. All that field called Dalupotha Kumbura containing in extent Eight lahas paddy sowing situated at Dullewa aforesaid and bondded on the East by limit of Kamarapitiyewatta, South by Iwura and Imbulandandegedera Kanatiwela Ima, Wet by Siwuralage Kumbura and on the North by fence of Dambaghamula Kumbura.
- 40 25. All that field called Dalupatha containing in extent two pelas paddy sowing situated at Dullewa aforesaid and bounded on the East by limit of Pinchi Banda's field, South by Imaniyara of Walawwe Kumbura, West by limit of Appuhamy's field and Oya and on the North by limit of Wattegedera Kumbura.

26. An undivided portion in extent one timba paddy sowing towards the East out of the field called Dalupothe Kumbura containing in extent fourteen lahas paddy sowing and bounded on the East by Kamatewatta, South by Wattedgedera Kumbura, West by limit of Asweddum Liyadda belonging to Dingiri Banda and on the North by field belonging to Dingiri Menika.

27. An undivided half (1/2) share of the field called Dalupothe Aswedduma containing in extent one Seer Kurakkan sowing or one Timba paddy sowing situated at Dullewa aforesaid and bounded on the East by the two Kiul trees standing on the limit of Kambara- 10
 pitiya, South by limit of Nekethgedera Kumbura, West and North by limit of field belonging to Talgahagoda Temple.

28. An undivided half (1/2) share of the land called Kambara-
 pitiyehena containing in extent three Seers Kurakkan sowing situated at Dullewa aforesaid and bounded on the East by Road, South by fence of Pansalewatta, West by Weilla and on the North by the fence of Appuhamy's hena.

29. All that field called Asweddumekumbura containing in extent one Timba paddy sowing situated at Dorakumbura aforesaid and bounded on the East by Imaniyara of Koholana, South by Imaniyara 20
 of the field belonging to Ram Menika, West by Mala Ela and on the North by the limit of the field belonging to Kudarala.

30. An undivided one Eighth (1/8) share of the land called Andawalagederawatte containing in extent Eight Seers Kurakkan sowing situated at Dorakumbura aforesaid together with the two rooms to the North out of the house standing thereon and bounded on the East by Stone fence of Walawwe Kumbura South by fence of Yatawaragederawatta, West by Fence of Ihalawatta and on the North by fence of Walawwe Watta.

31. An undivided one fourth (1/4) share of the land called 30
 Keenagahamulawatta containing in extent Twenty Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by fence of Walawwewatta, South by fence of Walawwe Watta and Tanahena, West by Stone fence of Ihalawatta and on the North by Ela.

32. An undivided one fourth (1/4) share of the land called Tana-
 hena containing in extent Six Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Walawwe Watta and Keenagamula Watta, South by fence of Yatawaragedera Watta, West by fence of Walawwe Hena and on the North by fence 40
 of Keenagahamulawatta.

33. An undivided one fourth (1/4) share of the land called Bogahamulahena containing in extent fourteen Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by fence of Tanahena, South by limit of the remaining portion belonging to the Walawwe, West by Belungala and on the North by limit of Ihalawatta.

No. 2
Plaint of the
Plaintiffs —
18. 5. 59
—Continued

34. An undivided one eighth share of the land called Ihalawatta containing in extent sixteen Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Stone fence of
10 Keenagahamulawatta, South by limit of Bogahamulahena, West by Stone fence of Yakaduragewatta and on the North by Galkande Ela.

35. An undivided one eighth (1/8) share of the land called Ihalakandehena containing in extent Twenty Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Weilla, South by limit of Samandara's hena, West by Galpila and on the North by limit of Tikira's hena.

36. All that field called Sivalbokke Kumbura alias Hapugahadalu-
potha containing in extent one amunam and five lahas paddy situated
20 at Waralaggama in the Udastyapattu aforesaid and bounded on the East by Kandepallewatta and Hambankarayagewatta, South by Kiri Ukkuwage Kumbura, West by Gansabawa Road or Weilla and on the North by Weilla and Dewale Watta.

37. All that field called Waralakwela containing in extent one pela and Two lahas paddy sowing situated at Dullewa aforesaid and bounded on the East by Ela, South by limit of Talagahagoda Walawwa, West by Aratchchi Appugewattheyaya and on the North by Dullewa Walawwe Kumbura.

38. An undivided portion in about four acres towards the South-
exclusive of the tiled house standing thereon out of the land called
30 Kekulelapitiya Bandara Polwatta containing in extent about fourteen acres situated in the village of Dullewa and Talgahagoda aforesaid and bounded on the East by fences of Waralagwela and Welkotuwa, South by fences of Arambe Liyadda and Wetakepothe Kumbura, West by fence of Wetakepotha Kumbura and limit of the remaining portion of Ridigama Vidane's property and on the North by fence of Owillegoderahena and Foot path leading to Seven Korales which is comprised of the lands called Kekulelapitia Puranawatta in extent five Nellies Kurakkan sowing, Kekulelapitia Watta in extent six Nellies Kurakkan sowing, Kekulelapitahena in extent two nellies
40 kurakkan sowing, Kekulelapitia Degalahe Hena in extent two Nellies Kurakkan sowing, Bogahamulahena in extent six nellies kurakkan sowing, Kekulelapitiahena in extent Twelve Nellies Kurakkan sowing, Waralaggamawela Watta in extent Two amunams paddy sowing and which is also described according to Plan No. 1504 made by Mr.

No. 2
Plaint of the
Plaintiffs—
18. 5. 59
—Continued

S. S. Kandasamy, Licensed Surveyor, Matale, as the land called Kekulelawatta in extent fourteen acres, one Rood, and Twenty perches (A14 1R. 20P) and bounded on the East by Gansabawa Road and fields, South by field, West by fields and on the North by Foot Path, Dullewa Alut Walawwe Tikiri Banda's land and Gansabawa Road.

39. All that field Perawela Kumbura containing in extent one pela paddy sowing situate at Daluwela aforesaid and bounded on the East by Oya, South by Ela, West by limit of Dinturala's field, and on the North by the fields of Kiri Banda Arachchi and Tikira. 10

40. All that field called Waralakkwela containing in extent about one amunam, three pelas and three lahas paddy sowing situated in the villages of Waralaggama and Dullewa aforesaid and bounded on the East by Dewalewatta, South by Aluwiharewatta Kumbura, and Weralugahawatta Kumbura, West by Bandarapolwatta and on the North by Weilla.

41. All that field called Wadukumbura situated at Dullewa aforesaid containing in extent about one pela paddy sowing and bounded on the East by Oya, South by Imaniyara of the field belonging to Ratninde Walawwa, West by Gansabawa Road and on the North by Imaniyara of Muhandiramalage Kumbura. 20

42. An undivided half (1/2) share of the field called Lindagawa Kumbura situated at Waralaggama aforesaid containing in extent about one pela paddy sowing and bounded on the East by limits Wetakegahamula Kumbura, Timbeliyadda and Lokuliyadda, South by limits of Temmettakkarayagewatta and Weralugahawatta, Wedakarayagewatta, West by Weilla and on the North by limit of Weralugahawatta Wedakarayage Kumbura.

43. An undivided half (1/2) share of the land called Dullewe Maha Walawwe Watta containing in extent about four acres situated at Dullewa aforesaid and bounded on the East by Dullewe Wallawwe Kumbura Ima, South by Agala, West by Gansabawa Road and on the North by Gansabawa Road and fence of Beligahamulla Watta. 30

Sgd: E. Dias Desinghe
Proctor for Plaintiffs

DOCUMENTS FILED WITH THE PLAINT:

1. Appointment of Proctor already filed in NF 156/L of this Court
2. Pedigree of Title,
3. Abstract of Title.
4. Appointment of *next-friend*. 40

Sgd: E. Dias Desinghe
Proctor for Plaintiffs

PEDIGREE OF TITLE

No. 2
 Plaint of the
 Plaintiffs-
 18. 5. 59
 —
 Pedigree

Dullewe Maha Walawwe Loku Banda
 Dullewe Rate Adigar

Gift: 183
 26. 5. 1941

Navaratne Wickremasinghe Samarakoon Jayatilleke
 Pandita Mudiyanse Ralahamillage Richard Dullewe

died in May 1943

1st Plaintiff.

Sgd: E. Dias Desinghe
 Proctor for Plaintiffs.

ABSTRACT OF TITLE

Nature of Document	From Whom	To Whom	Area or Fraction of Land dealt with	Names of Lands	When Registered	Consideration if any.	Original duplicate or copy.
No. & Date of Gift 183/26.5.1941	Dullewe Maha Walawwe Loku Banda Dullewe Rate Adigar	Navaratne Wick- ramesinghe Samarakoon Jaya- tilleke Pandita Mudiyanse Rala- hamilage Richard Dullewe.	1. 1/6 2. 1/6 3. 1/2 4. 1/12 5. 1/12 6. 1/12 7. 1/2 8. 1/2 9. Entirety 10. do 11. 1/20	Khelwattehena Pallewatte Hewankumbura Khelwattehena Pallewatte Waralakwela Makulamula Kumbura Hewankumbura Dalupothelindalanga Hayalaba Hewankumbura Pillawa Wadukumbura Oyekumbura			Copy. " " " " " " " " " " " "

ABSTRACT OF TITLE

Nature of Documents	From Whom	To Whom	Area or fraction of Land dealt with	Names of Lands	When Registered	Consideration if any.	Original duplicate or copy.
				12. Entirety	Khelkotuwa.		Copy.
			13. 1/2	Keenagahamulawatte.			"
			14. 2/8	Ihalakandehena.			"
			15. 1/2	Khelwerellehena.			"
			16. Entirety	Kitulamulahena.			"
			17. 1/3	Berawakandegalkotuwa.			"
			18. 1/3	Attikkegahamulahena.			"
			19. Entirety	Moragahahena.			"
			20. 1/3	Gederawekekumbura.			"
			21. 1/3	Gedera wela.			"
			22. Entirety	Kerameeyekumbura.			"
			23. - do -	Welkotuwa Arambeliyadde.			"

ABSTRACT OF TITLE

Nature of Documents	From Whom	To Whom	Area or fraction of Land dealt with	Names of Lands	When Registered	Consideration if any.	Original duplicate or copy.
							Copy
			24. Entirety.	Dalupothakumbura			"
			25. - do -	Dalupotha.			"
			26. - do -	Dalupothakumbura.			"
			27. 1/2	Dalupotha Asweddema			"
			28. 1/2	Kambarapitiyahena.			"
			29. Entirety	Answeeddume Kumbura			"
			30. 1/8	Andawalagederawatta.			"
			31. 1/4	Keenagahamula watta.			"
			32. 1/4	Tanahena.			"
			33. 1/4	Bogahamulahena.			"
			34. 1/8	Ihalawatte.			"
			35. 1/8	Ihalakandehena.			"

ABSTRACT OF TITLE

Nature of Documents	From Whom	To Whom	Area or fraction of Land dealt with	Names of Lands	When Registered	Consideration if any.	Original duplicate or copy.
			36. Entirety.	Sivalbokkekumbura.			Copy
			37. - do -	Waralakwela.			"
			38. - do -	Kekulalapitiya Bandara Polwatte.			"
			39. - do -	Parawela Kumbura.			"
			40. - do -	Waralakwela.			"
			41. - do -	Wadukumbura.			"
			42. 1/2	Lindagawa Kumbura.			"
			43. - do -	Dullewe Maha Walawwewatte			"

Sgd. E. Dias Desinghe,
Plaintiff.

No. 2
Plaint of the
Plaintiffs -
18. 5. 59

Abstract of Title
-Continued

No. 2
Plaint of the
Plaintiffs—
18. 5. 59
—
Appointment
as next-friend.

Appointment as next - friend
IN THE DISTRICT COURT OF KANDY

In the matter of an application for the appointment of *next-friend* over Padma Rukmani Dullewe of Mawanella minor.

Loku Banda Giragama of Dodantale Walawwe in Mawanella.
Petitioner.

No. NF. 156/L.

Vs.

- 1. Padma Rukmani Dullewe of Mawanella (minor)
- 2. Tikiri Bandara Dullewe of Galkanda, Aniewatte, Kandy. 10

Respondents

To, Loku Banda Giragama of Dodantale Walawwe in Mawanella.

Whereas this Court hath under provisions of chapter 35 of the Civil Procedure Code made order that you be appointed next-friend of Padma Rukmani Dullewe of Mawanella who is a minor of the age of 15 years.

You are hereby appointed *next-friend* of the said minor and you are hereby required to appear on behalf of the said minor and sue the 2nd respondent for declaration of title in favour of the said minor to the lands and premises described in the schedule to the draft plaint and recovery of damages as stated in the draft 20
plaint.

You may for any sufficient cause be removed from your office of *next-friend* of this court.

Given under my hand at Kandy on this 7th day of January 1959.

District Judge

No. 3

Answer of the Defendant

No. 3
Answer of the
Defendant—
7. 7. 59

IN THE DISTRICT COURT OF KANDY

- 1. Padma Rukmani Dullewe, Minor by her duly 30
appointed next friend.
- 2. Loku Banda Giragama both of Dodantale.

Plaintiffs.

No. L. 5765

Vs.

Tikiri Banda Dullewe of Galkanda in Aniewatte,
Kandy..... *Defendants.*

On this 7th day of July 1959.

The answer of the Defendant abovenamed appearing by his Proctor Hector Senarath Rajakaruna Banda Kobbekaduwa states as follows:-

No. 3
Answer of the
Defendant -
7. 7. 59
—Continued

1. That this Defendant denies all and singular the averments contained in the plaint save and except those which are hereinafter admitted.
2. That this Defendant admits the averments contained in paragraphs 1 and 2 of the plaint.
- 10 3. Answering to the averments contained in paragraph 3 of the plaint, this Defendant whilst admitting the bare execution of the purported deed of gift No. 183 dated 26. 5. 1941 denies that Loku Banda Dullewe, Rate Adigar put and placed his son Richard Dullewe in possession of the land and premises referred to in the Schedule to the plaint.
4. Answering the averments contained in paragraph 4 of the plaint this Defendant admits that Richard Dullewe in or about 1948 but denies that the 1st plaintiff became entitled to the said premises.
- 20 5. That this Defendant specially denies the averments contained in the paragraphs 5 and 6 of the plaint and puts the plaintiff to the strict proof thereof.
6. By way of further answer this defendant states that the said Loku Banda Dullewe Rate Adigar by Deed No. 9048 dated 26. 10. 43 and attested by H. D. E. Gunasekera, Notary Public, revoked the said Deed of Gift No. 183 in respect of inter alia the lands referred to in the Schedule to the plaint and upon Deed No. 9049 dated 26. 10. 1943 and attested by H. D. E. Gunasekera, Notary Public, gifted the same to the Defendant abovenamed.
- 30 7. By way of further answer this Defendant states that she and her predecessors in title have been in the undisturbed and uninterrupted possession of the said premises by a title adverse to and independent of the plaintiffs for over a period of ten years and have acquired a prescriptive title thereto within the meaning of section 3 of Ordinance No. 22 of 1871.
- 40 8. This Defendant further states that the said Richard Dullewe died intestate leaving an estate which required administration and that the Plaintiffs cannot have and maintain this action under Section 547 of the Civil Procedure Code unless Testamentary Proceedings are taken in respect of the said Richard Dullewe, deceased.

No. 3
Answer of the
Defendant -
7. 7. 59
—Continued

WHEREFORE THIS DEFENDANT PRAYS:-

- (1) That the Plaintiffs' action be dismissed.
- (2) For costs
- (3) For such other and further relief as to this court shall seem meet.

Sgd: H. S. R. B. Kobbekaduwa
Proctor for Defendant
7. 7. 59.

Settled by

Mr. H. W. Jayawardena, Q. C. (Sgd)
Mr. C. Seneviratne, Advocate (Sgd).

10

No. 4
Proceedings
before the
District Court
and Orders
Made by the
District Court-
15. 6. 61

No. 4

Proceedings before the District Court and
Orders Made by the District Court.

15th June, 1961.

Mr. A. E. H. Perera with Mr. Desinghe instructed for the plaintiffs. The minor and her guardian, the 2nd plaintiff, are present
Mr. Gunaratne with Mr. Dunuwille instructed for the defendant
Defendant present.

Mr. Perera opens his case, and states that the questions to be determined in this case are the same as the questions to be determined in L. 5695, except in regard to the quantum of damages; he states that Loku Banda Dullewe was the owner of a large number of lands; by deed 183 of 26. 5. 41 he gifted several lands referred to in this action to his son, Richard Dullewe, subject to certain conditions and restrictions which created a *fidei commissum*; Richard Dullewe died in May, 1943; the 1st plaintiff who is a minor, was born the day after her father's death; thereafter the donor Loku Banda proceeded to revoke the deed of gift by deed 9048 of 26th October, 1943, and by another deed 9409 of the same date gifted the properties which are the subject matter of this action to the defendant. 20 30

Counsel in the case state that they have arrived at a settlement which they submit for the consideration of the Court as the 1st plaintiff whose interests are involved in the settlement, is a minor; the following are the terms:-

(1) Deed 9048 of 26th October, 1943, attested by H. D. E. Guuasekera, Notary Public, is a good and sufficient revocation of deed of gift 183 of 26th of May, 1941, attested by J. L. Tambirajah, Notary Public, to the extent it purports to do.

(2) Deed 9049 of the 26th October, 1943, attested by H. D. E. Gunasekera, Notary Public, is good and valid as a conveyance of the properties enumerated therein to the defendant in this case.

(3) The plaintiffs move to withdraw this action, and the defendant agrees to convey by way of a gift renouncing the right of revocation as required by law, and subject to a *fidei commissum* in favour of the lawful issue of the donee; the donee agrees to accept the said donation subject to the said conditions.

(4) The lands which the defendant agrees to convey are: 3, 10, 15, 16, 17, 19, 22, 30, 31, 32, 33, 34, and 35 in the schedule to the plaint in this action.

Terms read and explained to the parties, and are accepted by the next friend of the minor-plaintiff, and the defendant.

The terms of settlement hereinbefore recorded were stated to me by Counsel, and I have given careful thought as to whether I should sanction it or not; the terms affect a minor who is 18 years old; the question involved in this case is one of law, and refers to an irrevocable deed of gift executed after the Ordinance 39 of 1938 which the donor revoked subsequently; both Counsel stated that there is no decision by the Supreme Court as to whether a deed of gift which is expressed to be irrevocable, could be subsequently revoked by the donor or not; this involves an interpretation of section 5 (1) (d) of Ordinance 39 of 1938; I am informed that decisions of the Original Courts in similar deeds of gift executed after the 1938 Ordinance as in this case, were to the effect that the mere expression that it was irrevocable was descriptive and should, if irrevocability was to be given effect to, comply with the law as stated in 5 (1) (d); Mr. Gunaratne said that one of these cases was affirmed in appeal; the contrary decision was in the Kurunegala Courts; though an appeal was preferred, it never came up before the Supreme Court as it was abated; I have referred to this in order to emphasise that taking all relevant circumstances into consideration, it will be desirable to sanction the agreement entered into in this case as I consider it beneficial to the minor.

Call this case on the 16th of August, 1961. A draft of the deed should be tendered to the Proctor for the plaintiffs for his approval

Sgd. V. Manicavasagar
District Judge
15. 6. 61.

No. 4
Proceedings
before the
District Court
and Orders
Made by the
District Court-
15. 6. 61
—Continued

No. 4
Proceedings
before the
District Court
and Orders
Made by the
District Court-
1. 9. 61

1st September, 1961.

2nd plaintiff present.

Mr. Desinghe for the plaintiff.

Mr. Dunuwille for the defendant.

Mr. Desinghe refers to the proceedings of 15.6.61, and to paragraph 4 of the settlement and suggests that a few more lands be conveyed by the defendant to the plaintiff; his client will be satisfied if land No. 38 is conveyed.

Mr. Dunuwille is not agreeable.

10

Mr. Dunuwille states that the deed is ready, but the 2nd plaintiff is not prepared to accept the gift; with regard to possession, which was raised by Mr. Desinghe, Mr. Dunuwille states that possession could be given of all the lands except the chena land in Dorakumbura which is being cultivated: this is a matter which can be arranged for as between the cultivators and the plaintiffs and the defendant.

Mr. Desinghe states that he will accept the deed if land No. 38 is also included.

I indicate to Mr. Dunuwille that this was a case in which terms of settlement were approved by the Court after due consideration, 20 and parties must carry it out. The defendant should execute the deed and the 2nd plaintiff should on behalf of the minor, accept it; if the 2nd plaintiff is not accepting the gift on the face of the deed, this matter might be brought to the notice of Court for directions.

Sgd V. Manicavasagar
District Judge.
1. 9. 61.

21st May, 1962.

No. 4
Proceedings
before the
District Court
and Orders
Made by the
District Court
21. 5. 62

Mr. Desinghe for the plaintiff.

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Mr. Dunuwille for the defendant instructed.

Mr. Dunuwille states that the deed has been prepared and his client is ready to execute it. He submits that it is not necessary for the plaintiff to accept the deed.

O R D E R :

Under the terms of settlement which were approved of by the Court, since the 1st plaintiff was a minor, the defendant agreed to convey by way of gift to the 1st plaintiff certain properties which were specified, and the plaintiffs agreed to accept that gift in full

satisfaction of the claim in this case. It would appear that the plaintiffs are now seeking to resile from the settlement. Although the terms of settlement were approved of by Court I do not think I have the power to compel the plaintiff to accept the gift. Since the conveyance was by way of gift, acceptance is necessary. The 1st plaintiff is a minor but has reached the age of discretion and she is probably acting under the advice of her next friend when she expresses her unwillingness to accept the gift. In the circumstances, I set aside the terms of settlement that were entered into and fix
 10 the case for trial on 27.8.62.

No. 4
 Proceedings
 before the
 District Court
 and Orders
 Made by the
 District Court
 21. 5. 62
 —Continued

Sgd: V. Siva Supramaniam.
District Judge.
 21. 5. 62.

27th August, 1962

Mr. Advocate A. E. H. Perera with Mr. Advocate Dias Desinghe instructed by Mr. Dias Desinghe for the plaintiff.

No. 4
 Proceedings
 before the
 District Court
 and Orders
 Made by the
 District Court-
 27. 8. 62

Mr. Advocate Gunaratne with Mr. Advocate Dunuwille instructed by Mr. Ellepola for the defendant.

Mr. Perera states that a settlement is likely and moves that this
 20 case be refixed for trial.

I refix the case for trial for 6th December, 1962; no costs.

Sgd: P. S. W. Abeywardeno
Acting District Junge.
 27. 8. 62.

30th January, 1963.

Plaintiffs are absent.

Mr. Dias Desinghe for the plaintiffs states that he has no instructions from the plaintiffs, and he is not appearing for them today.

No. 4
 Proceedings
 before the
 District Court
 and Orders
 Made by the
 District Court-
 30. 1. 63

30 Mr. Advocate Gunaratne with Mr. Advocate Dunuwille instructed by Mr. Ellepola for the defendant.

Mr. Gunaratne moves that the plaintiffs' action be dismissed. Enter *decree nisi* dismissing the plaintiffs' action with costs.

Sgd: V. Siva Supramaniam.
District Judge.
 30. 1. 63.

No. 5
Affidavit of the
2nd Plaintiff-
9. 2. 63

No. 5
Affidavit of the 2nd Plaintiff

IN THE DISTRICT COURT OF KANDY

1. Padma Rukmani Dullewe, Minor, by her duly appointed next- friend.
2. Loku Banda Giragama, both of Dodantale Walawwe in Mawanella
.....*Plaintiffs.*

No. L. 5765

Vs.

Tikiri Bandara Dullewe of Galkanda 10
in Aniewatte, Kandy.....*Defendant*

I, Loku Banda Giragama of Mawanella do hereby solemnly, sincerely, and truly affirm and declare as follows :-

1. I am the 2nd plaintiff in this case.
2. The 1st plaintiff is my grand daughter who is a minor. She is my only grand child.
3. My grand daughter is now married.
4. I admit I knew that this case was fixed for trial on 30th January.
5. About 4 or 5 days before the trial date my grand daughter's 20 husband fell seriously ill with appendicitis and was admitted to the General Hospital in Colombo.
6. On hearing from my grand daughter of her husband's illness I rushed down to Colombo.
7. In Colombo I went to the General Hospital both morning and evening to be by the bedside of the patient.
8. I was greatly worried over the patient's condition and was not in a proper state of mind.
9. Only late in the evening on 30th January I remembered the trial of this case. Then I rushed to Kandy and saw my Proctor and instructed him to take steps to have this case restored to the trial roll. 30
10. I beg to state that I am now very old, feeble and forgetful. I suffer from Cancer.
11. I did not keep away from Court on the trial date owing to any carelessness on my part.
12. I beg that the Court be pleased to excuse my absence on the trial date and vacate the *decree nisi* ordered on 30th January and restore this case to the trial roll.

Affirmed to at Kandy on this 9th day of)
February 1963 the contents of the foregoing)
affidavit having been duly explained by me in)
the Sinhalese language to the affirmant who)
appeared to understand the same and set his)
signature thereto in my presence.)

Sgd: L. B.
Giragama.

No. 5
Affidavit of the
2nd Plaintiff-
9. 2. 63
-Continued

Before me.

Sgd:
Justice of the Peace

10

No. 6

Proceedings before the District Court

11. 2. 1963

Mr. Advocate Dias Desinghe instructed for Plaintiffs.
Mr. Advocate Dunuwille instructed for Defendant.

No. 6
Proceedings
before the
District Court--
11. 2. 63

The case is settled as follows:

It is agreed between the parties that the decree nisi that has
been entered, be set aside and that if the plaintiffs, or either of
them, pays the defendant Rs. 315/- as costs before 25. 2. 1963, the
case be set down for trial; but if the plaintiffs, or either of them,
fail to pay the costs as agreed upon, they consent to have the
plaintiffs' action dismissed with costs on 25. 2. 1963.

Let the case be called on 25. 2. 1963.

The plaintiffs and the defendant sign the record acknowledging
these terms of settlement.

Sgd: V. Siva Supramamiam.
District Judge
11. 2. 1963.

30

No. 7

Issues Framed

30th August, 1963.

Mr. Advocate R. F. Perera with Mr. Advocate Dias
Desinghe instructed by Mr. Dias Desinghe for the Plaintiff.
Mr. Advocate Dunuwille instructed by Mr. Ellepola for
the Defendant.

No. 7
Issues Framed

No. 7
Issues Framed
—Continued

Mr. Dunuwille states that in regard to land No. 43 the share which the donor, L. B. Dullewe, was entitled to deal with was only 1/4th share, and not half. Mr. Perera accepts the position that the donor was entitled to deal with only 1/4th share. It is therefore agreed between the parties that the schedule to the plaint should be amended by substituting the words "an undivided 1/4th share" instead of an undivided 1/2 share in respect of land No. 43. Mr. Perera moves to amend the schedule accordingly, and I allow the application.

Mr. Perera raises the following issues:-

- (1) Was deed No. 183 of 26. 5. 41 a revocable deed? 10
- (2) If not, is the plaintiff entitled to claim all the lands on the said deed of gift?
- (3) Is the purported revocation 9048 of 1943 bad and ineffectual in law?
- (4) Damages?

(Agreed upon between the parties at Rs. 6000/- up to date with further damages at Rs. 1000/- a year till the plaintiff is restored to possession.)

Mr. Dunuwille has no objection.

No. 8
Plaintiffs'
Evidence
—
Evidence of
L. B. Giragama
Examination

No. 8
Plaintiffs' Evidence

20

Mr. Perera calls:-

LOKU BANDA GIRAGAMA Affirmed 72 Retired Village Headman Dodantale, Mawanella.

Dullewe Maha Walauwe Loku Banda Dullewe Rate Adigar was the owner of the lands described in the schedule to the plaint (schedule as amended). He by deed of gift No. 183 of the 26th of May, 1941 (P1), gifted the said lands subject to a *fidei commissum* in favour of his children, to his son, Richard Dullewe. Richard Dullewe was married to my daughter. Richard Dullewe died in May, 30 1943, and the day after his death his daughter, the plaintiff, was born. The plaintiff had been thereafter looked after and brought up by me. By deed No. 9048 of 26th October, 1943 (P2), he purported to revoke the earlier deed in respect of 43 lands which form the subject matter of this

action. By deed No. 9049 of the same date (P3) he purported to convey those lands to the defendant.

The plaintiff who was a minor at the date of the institution of the action, is now a major.

(Mr. Ellepola undertakes to supply the stamp duty payable on documents P2 and P3.)

Cross-examined: NIL.

Sgd: V. Siva Supramaniam
District Judge.

30. 8. 63.

10

Plaintiff's case closed reading in evidence P1 to P3.

Mr. PERERA CITES 64 N. L. R. 548.

Mr. Dunuwille states he is not calling any evidence, but he submits that P2 is a deed which, though the words "absolutely and irrevocably" are there, does not constitute an express renunciation of the right of revocation which is inherent in a Kandyan donor of a deed executed after the Kandyan Declaration Act of 1938. Therefore the donor had every right to revoke, and P3 then must convey title to the defendant.

20 Documents on 2nd September, 1963.

Sgd: V. Siva Supramaniam
District Judge.

30. 8. 63.

No. 9

Judgment of the District Court

9th September, 1963.

No. 9
Judgment of the
District Court-
9. 9. 63

JUDGMENT

Loku Banda Dullewe Rate Adigar was the owner of the lands described in the schedule to the plaint. By deed No. 183 dated 26th
30 May, 1941 (P1), he gifted the said lands to his son Richard Dullewe subject to a *fidei commissum* in favour of the children of Richard. The plaintiff is the only child of Richard and claims the lands dealt with by the said deed. Richard died in May, 1943, and the donor Loku Banda by deed No. 9048 of 26th October, 1943 (P2), purported to revoke the deed of gift P1 and conveyed the lands dealt with by

No. 9
Judgment of the
District Court—
9. 9. 63.
— Continued

that deed to the defendant by deed No. 9049 (P3). The plaintiff was a minor on the date of the institution of this action, but is now a major.

The short point for decision is whether Loku Banda was entitled to revoke the deed of gift P1. The deed P1 sets out in express terms that it is a “*gift irrevocable*”. It is submitted on behalf of the defendant that those words are not sufficient to constitute an express renunciation of the right of revocation as required by the Kandyan Law Declaration and Amendment Ordinance (Chapter 59). This question, however, is one covered by the recent decision of the Supreme Court in the case of *Punchi Banda V. Nagasena* – 64 N. L. R. 548. In that case Court held that the use of the single word “irrevocable” in a Kandyan deed of gift is sufficient to constitute an express renunciation of the right to revoke the gift. The ruling in that case applies to the facts of the present case, and I hold that the deed P1 was not a revocable deed of gift and that consequently P2 was of no effect in law and the defendant did not get title to the properties in question under deed P3 in his favour. 10

I answer the issues as follows:-

- (1) No. 20
- (2) Yes.
- (3) Yes.
- (4) Damages agreed upon between the parties at Rs. 6000/- up to 30th August, 1963, and further damages at Rs. 1000/- a year till the plaintiff is restored to possession.

I give judgment for the plaintiff declaring her entitled to the lands described in the schedule to the plaint (the description of land No. 43 being amended to read “an undivided 1/4th share” instead of one-half share) and for ejection of the defendant therefrom together with damages fixed at Rs. 6000/- up to 30th August, 1963, and thereafter at Rs. 1000/- per year until the plaintiff is restored to possession of the premises. The plaintiff will also be entitled to the costs of this action. 30

Decree may be entered accordingly.

Sgd: V. Siva Supramaniam.
District Judge.

9th September, 1963.

No. 10

No. 10
Decree of the
District Court-
9. 9. 63

Decree of the District Court

IN THE DISTRICT COURT OF KANDY

1. Padma Rukmani Dullewe, Minor, by her duly appointed next-friend.
2. Loku Banda Giragama both of Dodantale Walawwe in Mawanella..... *Plaintiffs.*

No. L. 5765

Vs.

10

Tikiri Bandara Dullewe of Galkanda in Anniewatte,
Kandy..... *Defendants*

This action coming on for final disposal before V. Siva Subramaniam Esquire, District Judge, Kandy, on the 9th day of September 1963 in the presence of Mr. Advocate Francis Perera with Mr. Advocate Dias Desinghe, instructed by Mr. E. Dias Desinghe, Proctor, on the part of the plaintiffs and Mr. T. A. Dunuwila, Advocate, instructed by Mr. G. B. Ellepola, Proctor, on the part of the defendant it is ordered and decreed that the 1st plaintiff is declared entitled to the lands described in the schedule to the plaint (the description of land No. 43 being amended to read "an undivided 20 1/4th share" instead of one half share) and more fully described in the schedule hereto.

It is further ordered and decreed that the defendant be ejected therefrom and the 1st plaintiff be put and placed in possession thereof.

It is further ordered and decreed that the defendant do pay to the 1st plaintiff the sum of Rs. 6000/- on account of damages up to 30th August 1963 and thereafter at the rate of Rs. 1000/- a year until the 1st plaintiff is restored to possession of the said premises.

It is further ordered and decreed that the defendant do pay the 30 1st plaintiff the costs of this action as taxed by the officer of this Court.

THE SCHEDULE ABOVE REFERRED TO:

1. An undivided one sixth (1/6) share of the land called Kehelwattehena situated at Talagahagoda in the Udasiyapattu of the Asgiri Korale in the Southern Division of the Matale District containing in extent about two acres and bounded on the East by Galpila, South by the fence of the Hena belonging to the Basnayake Nilame, West by Mala Ela and on the North by the limit of Pansalehena.

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

2. An undivided one sixth (1/6) share of the land called Pallewatte situated at Daluwela in the Udasiya Pattu aforesaid containing in extent about six acres and bounded on the East by Ela and fence of Koralegederawatte, South by Pihillalande Galheeriya, West by Ela and fence of Aluwihare Walawwewatte and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela.

3. An undivided half (1/2) share of the field called Hewan-kumbura situated at Dullewe in Udasiyapattu aforesaid containing in extent about six lahas paddy sowing and bounded on the East by Owille Gedera Kumbura and Pansale Kumbura, South by Owille 10 Gedera Kumbura and Paragodagedera Kumbura, West by Oya and North by Baddegedera Kumbura.

4. An undivided one Twelfth (1/12th) share of the land called Kehelwattchena situated at Talgahagoda aforesaid containing in extent about two acres and bounded on the East by Galpila, South by the fence of the Hena belonging to Basnayake Nilame, West by Mala Ela and on the North by the limit of Pansalahena.

5. An undivided one Twelfth (1/12) share of the land called Pallewatte situated at Daluwela aforesaid containing in extent about six acres and bounded on the East by Ela and fence of Korale- 20 gederawatte, South by Pihillalande Galheeriya, West by Ela and fence of Aluwihare Walawwewatta and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela.

6. An undivided one Twelfth (1/12) share of the field called Waralakwela Makulamula Kumbura situated at Dullewe in Udasiyapattu aforesaid containing in extent one pela paddy sowing and bounded on the East by Elaweilla, South by Manniyara of Gansabawa Road, West by Ela and on the North by Imaniyara of Yatawattgedera Kumbura.

7. An undivided half (1/2) share of the field called Hewan-kumbura situated at Etipola in the Udasiya Pattu aforesaid 30 containing in extent Eight lahas paddy sowing and bounded on the East by Imaniyara of Pansale Kumbura and Imaniyara of Owillegedera Kumbura, South by Imaniyara of Paragodagedera Kumbura West by Oya and on the North by Imaniyara of Baddegedera, Kumbura.

8. An undivided half (1/2) share of the field called Dalupotelindalanga Hayalaha situated at Dullewa aforesaid containing in extent about six lahas paddy sowing and bounded on the East by Pahalagederawatta and Lindapitiyewatte, South by limit of the field belonging to Dullewe Korale Mahatmaya, West by Gallenamullegedera Kumbura and limit of the field belonging to Ihalawalawwe Banda and on the North by the limit of the field belonging to Ihalawalawwe Banda.

9. All that land called Hewankumbura Pillawa together with
10 house standing thereon situated at Kekulalla in Dullewe aforesaid containing in extent about one nellie Kurakkan sowing and bounded on the East by fence of the garden of Basnayake Nilame, South by fence of Hewankumbura Pillawa belonging to Punchi Banda and others, West by Kumbura Iwura and on the North by fence.

10. All that field called Wadukumbura containing in extent six lahas paddy sowing together with the Pillawa adjoining thereto containing in extent one nellie Kurakkan sowing situated at Dullewa aforesaid and bounded on the East and South by Imaniyara of the field belonging to Aluwihare Uda Walawwe, West by fence of garden
20 of Gonnewe Punchi Appuhamy and on the North by Imaniyara of the field of Ratninde Walawwa.

11. An undivided one twentieth (1/20) share of the field called Oyekumbura situated at Dullewa aforesaid containing in extent two pelas paddy sowing or one and sixty seven upon one hundred (1 67/100) acres bounded on the East by the field belonging to Seerala and Appuhamy, South by Oya, West by limit of the fields belonging to Ratninde Banda and two others and on the North by the field belonging to Palingu Menika, Punchi Banda, and Waitegedera Seerala.

12. All that land called Kehelkotuwa situated at Naldena in the
30 Udasiyapattu aforesaid containing in extent six nellies kurakkan sowing and bounded on the East by Galenda of Kiriya's garden, South by stone fence of Wedakarayagewatta, West by Galenda of Kandehena and on the North by Hena Ela belonging to Boda.

13. An undivided half (1/2) share of the land called Keenagahamulla watte situated at Dorakumbura in the Udasiya Pattu aforesaid containing in extent twenty nellies Kurakkan sowing and bounded on the East by Walawwewatte Weta, South by fence of Walawwewatta and Tanahena, West by stone fence of Ihalawatta and on the North by Ela.

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

14. An undivided Two Eighth (2/8) shares of the land called Ihalakandehena situated at Dorakumbura aforesaid containing in extent twenty nellies Kurakkan sowing and bounded on the East by Weilla, South by limit of Samadara's Hena, West by Galpila and on the North by the limit of Tikira's hena.

15. An undivided half (1/2) share of the land called Kehelwerellehena situated at Dorakumbura aforesaid containing in extent Five lahas Kurakkan sowing and bounded on the East by Galdetta, South by Galkande Ela, West by Galdetta of Warisa's field and on the North by limit of Dullandehena. 10

16. All that land called Kitulamulahena situated at Dullewa aforesaid containing in extent two acres and two roods (2A. 2R. 0P) and bounded on the East by limit of Sinna Lobbe's land and the fence of Ran Naide's hena, South by Mala Ela of Walawwe Hena, West by the fence of Ran Naide's garden and on the North by fence of the garden belonging to Periyasamy.

17. An undivided one third (1/3) share of the land called Berawakandegalkotuwa situated at Alakolaange in Dullewe aforesaid containing in extent five nellies kurakkan sowing and bounded on the East by stone, South West and North by the land belonging to Periyasamy. 20

18. An undivided one third (1/3) share of the land called Attik-kagahamulahena situated at Alakolaange aforesaid containing in extent five nellies kurakkan sowing and bounded on the East, South and West by the land belonging to Periyasamy and on the North by the land belonging to Periyasamy and Sandana.

19. All that Lot marked Q 145 A in Title Plan No. 125457 of the land called Moragollehena containing in extent Nine Acres Two Roods and Ten Perches (9A. 2R. 10P) situated at Dullewe aforesaid and bounded on the East by land described in Plan No. 123471, South by land described in Plan No. 123471 and by a Water Course, South 30 West by a road and on all other sides by land said to belong to the Crown, held and possessed by the said Donor upon a Crown Grant.

20. An undivided one third share of the Western half portion containing in extent Eight lahas paddy sowing out of the field called Gederewelakumbura containing in extent sixteen lahas paddy sowing together with Pillawa adjoining thereto containing in extent one chundu

Kurakkan sowing situated at Daluwela aforesaid and which said Western half portion and the Pillawa are bounded on the East by the limit of the remaining portion of this field, South by the limit of Aluthgamaralage Aramba, West by the limits of Udagedera Kumbura and Pillawa and on the North by Heenepitiya.

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

21. An undivided one third (1/3) share of the Eastern half portion containing in extent six lahas paddy sowing out of the field called Gederawela containing in extent twelve lahas paddy sowing out of the adjoining field called Gederawelakumbura containing in extent one
10 pela paddy sowing situated at Daluwela aforesaid and which said Eastern half portion and the adjoining Gederawelakumbura are bounded on the East by Udagederakumbura, South by Elaweilla, West by the limit of the remaining portion and on the North by Heenepitiya.

22. All that field called Kerameeyekumbura containing in extent Two pelas and five lahas paddy sowing together with the adjoining high land called Welwattegederawatta containing in extent Eight nellies kurakkan sowing situated at Daluwela aforesaid and which said Kera-
meeyekumbure and Welwattegederawatta are bounded on the East by the limit of Wallige Kumbura, South by the limit of the field and
20 garden belonging to Talgahagoda Ratemahaameya, West by the limit of Hingurumaldena kumbura and on the North by the fence Andenamulle Pillawa and the limit of Koralegedera Kalu Banda's field together with the house thereon.

23. All those lands called Welkotuwa and the adjoining Aramba Liyadda containing in extent three pelas paddy sowing situated at Talgahagoda aforesaid and bounded on the East by the fence of Panikiyalage kumbura and Welkotuwegederawatta, South by Ela, West by fence of Navate Kumbura and Ela and on the North by the fence of Polwatta.

30 24. All that field called Dalupothakumbura containing in extent eight lahas paddy sowing situated at Dullewe aforesaid and bounded on the East by limit of Kamarapitiyewatta, South by Iwura and Imbulandandegedera Kanatiwala Ima, West by Siwurallage Kumbura and on the North by fence of Dambagahamula Kumbura.

25. All that field called Dalupotha containing in extent two pelas paddy sowing situated at Dullewe aforesaid and bounded on the East

by limit of Punchi Banda's field, South by Imaniyara of Walawwe Kumbura, West by limit of Appuhamy's field and Oya and on the North by limit of Wattedegera Kumbura.

26. An undivided portion in extent one timba paddy sowing towards the East out of the field called Dalupothe Kumbura containing in extent fourteen lahas paddy sowing and bounded on the East by Kamatewatta, South by Wattedegera Kumbura, West by limit of Aswedduma Liyadda belonging to Dingiri Banda and on the North by field belonging to Dingiri Menika.

27. An undivided half (1/2) share of the field called Dalupothe 10 Aswedduma containing in extent one seer kurakkan sowing or one Timba paddy sowing situated at Dullewe aforesaid and bounded on the East by the two kitul trees standing on the limit of Kamarapitiya, South by limit of Nekethgedera Kumbura, West and North by limit of field belonging to Talgahagoda Temple.

28. An undivided half (1/2) share of the land called Kamarapitiyehena containing in extent three seers kurakkan sowing situated at Dullewa aforesaid and bounded on the East by Road, South by fence of Panslewatta, West by Weilla and on the North by the fence of Appuhamy's hena. 20

29. All that field called Asweddumekumbure containing in extent one timba paddy sowing situated at Dorakumbura aforesaid and bounded on the East by Imaniyara of Koholana South by Imaniyara of the field belonging to Ram Menika, West by Mala Ela, and on the North by the limit of the field belonging to Kudarala.

30. An undivided one eighth (1/8) share of the land called Andawalagederawatte containing in extent eight seers kurakkan sowing situated at Dorakumbura aforesaid together with the two rooms to the North out of the house standing thereon and bounded on the East by stone fence of Walawwe Kumbura, South by fence of Yatawaragederawatte 30 West by fence of Ihalawatte, and on the North by fence of Walawwewatte.

31. An undivided one fourth (1/4) share of the land called Keenagahamulawatte containing in extent twenty nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by fence of Walawwewatte, South by fence of Walawwewatte and Thanahena, West by stone fence of Ihalawatte and on the North by Ela.

32. An undivided one fourth (1/4) share of the land called Tanahena containing in extent six nellies kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Walawwewatto and Keenagahamulawatte, South by fence of Yatawaragederawatte, West by fence of Walawwehena, and on the North by fence of Keenagahamulawatte.

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

33. An undivided one fourth (1/4) share of the land called Bogahamullahena containing in extent fourteen nellies kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by fence
10 of Tanahena, South by limit of the remaining portion belonging to the Walawwe, West by Belungala and on the North by limit of Ihalawatte.

34. An undivided one eighth (1/8) share of the land called Ihalawatte containing in extent sixteen nellies kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by stone fence of Keenagahamulawatte, South by limit of Bogahamulahena, West by stone fence of Yakaduragewatte and on the North by Galkande Ela.

35. An undivided one eighth (1/8) share of the land called Ihalakandehena containing in extent twenty nellies kurakkan sowing
20 situated at Dorakumbura aforesaid and bounded on the East by Weilla, South by limit of Samandara's hena, West by Galpila, and on the North by limit of Tikira's hena.

36. All that field called Sivalbokkekumbura alias Hapugahadalupotha containing in extent one amunam and five lahas paddy situated at Waralaggama in the Udasiya Pattu aforesaid and bounded on the East by Kandapellewatte and Hambankarayagewatte, South by Kir Ukkuwage Kumbura, West by Gansabawa Road, or Weilla, and on the North by Weilla and Dewale Watte.

37. All that field called Waralakwela containing in extent one pela
30 and two lahas paddy sowing situated at Dullewa aforesaid and bounded on the East by Ela, South by limit of Thalagahagoda-walawwe, West by Aratchchi Appuge Watteraya and on the North by Dullewe Walawwe Kumbura.

38. An undivided portion in about four acres towards the South exclusive of the tiled house standing thereon out of the land called Kakulapitiya Bandara Polwatte containing in extent about fourteen

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

acres situated in the villages of Dullewe and Thalgahagoda aforesaid and bounded on the East by fences of Waralagwela, and Welkotuwa, South by fences of Arambeliyadde and Wetakepotha Kumbura, West by fence of Wetakepotha Kumbura and limit of the remaining portion of Ridigama Vidane's property and on the North by fence of Owillegederahena and foot path leading to Seven Korales which is comprised of the land called Kekulalapitia Puranawatte in extent five nellies kurakkan sowing, Kekulalapitiawatte in extent six nellies kurakkan sowing, Kekulalapitia hena in extent two nellies kurakkan sowing, Kekulalapitiya Degalahe Hena in extent two nellies kurakkan 10 sowing, Bogahamulahena in extent six nellies kurakkan sowing, Kekulalapitiye hena in extent 12 nellies kurakkan sowing, Waralaggama wela watte in extent two amunams paddy sowing, and which is also described according to plan No: 1504 made by Mr. S. S. Kandasamy Licensed Surveyor, Matale as the land called Kekulalawatte in extent Fourteen acres 1 rood and 20 perches (14A. 1R. 20P) and bounded on the East by Gansabawa Road and fields, South by field, West by fields and on the North by the foot path, Dullewe Alutwalawwe Tikiri Banda's land and Gansabawa Road.

39. All that field Parawela Kumbura containing in extent one pela 20 paddy sowing situate at Daluwela aforesaid and bounded on the East by Oya, South by Ela, West by limit of Dinturala's field, and on the North by the fields of Kiri Banda Aratchi as Tikira.

40. All that field called Waralakwela containing in extent about one amunam three pelas and three Lahas paddy sowing situated in the villages of Waralaggama and Dullewa aforesaid and bounded on the East by Dewalewatte, South by Aluwiharewatte Kumbura and Weralugahawatte Kumbura, West by Bandara Pollwatte, and on the North by Weilla.

41. All that field called Wadukumbura situated at Dullewa afore- 30 said containing in extent about one pela paddy sowing and bounded on the East by oya. South by Imaniyara of the field belonging to Ratninde Wallawwe, West by Gansabwa Road, and on the North by Imaniyara of Muhandiramalage Kumbura.

42. An undivided half (1/2) share of the field called Lindagawa Kumbura situated at Waralaggama aforesaid containing in extent about one pela paddy sowing and bounded on the East by limits Wetakegahamula Kumbura Thimbeliyadde and Loku Liyadde South by limits of Tammetta-

karayagewatte and Weralugahawatte, Wedakarayage watte, West by Weilla, and on the North by limit of Weralugahawatte Wedakarayage Kumbura.

No. 10
Decree of the
District Court-
9. 9. 63
—Continued

43. An undivided one fourth share (1/4) of the land called Dullewe Mahawalawwewatte containing in extent about four acres situated at Dullewe aforesaid and bounded on the East by Dullewe Walawwe Kumbura Ima, South by Agala, West by Gansabawa Road, and on the North by Gansabawa Road, and fence of Beligamullawatte.

This 9th day of September, 1963.

10

Sgd. V. Siva Supramaniam.
District Judge.

No. 11

**Application of the Defendant for stay of
execution of Decree.
IN THE DISTRICT COURT OF KANDY.**

No. 11
Application of
the Defendant
for stay of
execution of
Decree-
9. 9. 63

- 1. Padma Rukmani Dullewe by her appointed Next-Friend
- 2. Loku Banda Giragama of Dodantale Walawwa ..
..... *Plaintiffs.*

20 No. L. 5765.

Vs

Tikiri Banda Dullewe of Galkanda in Anniewatta, Kandy..... *Defendant.*

Between

Tikiri Banda Dullewe of Galkanda aforesaid.
..... *Defendant-Petitioner.*

And

- 1. Padma Rukmani Dullewe by her appointed Next-Friend,
- 2. Loku Banda Giragama of Dodantale Walawwa ..
..... *Plaintiffs-Respondents.*

30

On this 9th day of September 1963.

The Petition of the abovenamed Defendant-Petitioner appearing by his Proctor Gunatilleke Banda Ellepola states as follows:-

No. 11
Application of
the Defendant
for stay of
execution of
Decree-
9. 9. 63
—Continued

1. The 1st Plaintiff-Respondent abovenamed sued the Defendant-Petitioner for a declaration of title to and ejection from the lands described in the Schedule of the Plaint.

2. The 1st Plaintiff-Respondent claimed title by virtue of her being an heir-at-law to her father Richard Dullewe who had held the premises under and by virtue of the deed of gift bearing No. 183 of 26th May 1941.

3. The Defendant-Petitioner pleaded that the Donor in deed No. 183 of 26th May 1941 had revoked the said deed of Gift by deed No. 9048 of 26th October 1943 and had thereafter by his deed No. 9049 of 10 26th October 1943 gifted the premises to the Defendant-Petitioner.

4. The Learned District Judge on 9th September 1963 delivered judgment in favour of the 1st Plaintiff-Respondent.

5. The Defendant-Petitioner has appealed against the said judgment this day.

6. The Defendant-Petitioner states that substantial loss will result to him unless the execution of the decree in this case is not stayed till the final decision of the Appeal.

Wherefore the Defendant-Petitioner Prays:

- (a) That the Court be pleased to stay execution of the decree entered 20 in this case pending the appeal preferred by the Defendant-Petitioner.
- (b) For such further and other relief as to this Court shall seem meet.

Sgd: G. B. Ellepola.
Proctor for Defendant-Petitioner.

No. 12

Affidavit of the Defendant

IN THE DISTRICT COURT OF KANDY.

No. 12
Affidavit of the
Defendant-
9. 9. 63

- 1. Padma Rukmani Dullewe by her appointed Next-Friend.
- 2. Loku Banda Giragama of Dodantale Walawwe.....
.....*Plaintiffs.*

No. L. 5765

Vs.

Tikiri Banda Dullewe of Galkanda in Anniewatta,
Kandy*Defendant.*

10

Between

Tikiri Banda Dullewe of Galkanda aforesaid.....
.....*Defendant-Petitioner.*

and

- 1. Padma Rukmani Dullewe by her appointed Next-Friend.
- 2. Loku Banda Giragama of Dodantale Walawwa.
..... *Plaintiffs-Respondents.*

I, Tikiri Banda Dullewe of Galkanda aforesaid do solemnly, sincerely
20 and truly affirm and declare as follows:-

1. I am the affirmant and the Defendant-Petitioner abovenamed.

2. The 1st Plaintiff-Respondent abovenamed sued me the abovenamed
Defendant-Petitioner for a declaration of title to and ejection from
the lands described in the Schedule of the Plaint.

3. The 1st Plaintiff-Respondent claimed title by her being an heir-
at-law to her father Richard Dullewe who had held the premises under
and by virtue of the deed of Gift bearing No. 183 of 26th May 1941.

4. That I the Defendant-Petitioner pleaded that the Donor in deed
No. 183 of 26th May 1941 had revoked the said deed of Gift by deed
30 No. 9048 of 26th October 1943 and had thereafter by his deed No. 9049
of 26th October 1943 gifted the premises to me the Defendant-Petitioner
abovenamed.

5. The Learned District Judge on 9th September 1963 delivered
Judgment in favour of the 1st Plaintiff-Respondent.

6. That I the Defendant-Petitioner has appealed against the said
judgment this day.

No. 12
Affidavit of the
Defendant-
9. 9. 63
—Continued

7. That I the Defendant-Petitioner states, that substantial loss will result to me unless the execution of the decree in this case is not stayed till the final decision of the Appeal.

I pray that the court be pleased to stay execution of the decree entered in this case pending the appeal preferred by me the Defendant-Petitioner abovenamed.

Affirmed to before me at Kandy on this 9th day)
of September 1963. The contents of this foregoing)
Affidavit having been duly read over by the) Sgd. T. B. Dullewe
Affirmant abovenamed and he appear to under-) 10
stand the same set his signature thereto in my)
presence.)

Sgd.
Justice of the Peace.

No. 13
Petition of
Appeal to the
Supreme Court-
9. 9. 63

No. 13
Petition of Appeal to the Supreme Court.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

- 1. Padma Rukmani Dullewe by her duly appointed
Next Friend
- 2. Loku Banda Giragama both of Dodantale Walawwa 20
in Mawanella.. *Plaintiffs.*

S. C. 391 (F)
1963

D. C. Kandy
Case No. L 5765

vs.

Tikiri Banda Dullewe of Galkande in Anniewatte,
Kandy.. *Defendant.*
Tikiri Banda Dullewe of Galkande in Anniewatte,
Kandy..... *Defendant-Appellant.*

and

- 1. Padma Rukmani Dullewe by her duly appointed 30
Next Friend
- 2. Loku Banda Giragama both of Dodantale Walawwa
in Mawanella..... *Plaintiffs-Respondents.*

On this 9th day of September 1963.

To:

HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER JUDGES
OF THE SUPREME COURT OF THE ISLAND OF CEYLON.

No. 13
Petition of
Appeal to the
Supreme Court-
9. 9. 63
—Continued

The Petition of Appeal of the Defendant-Appellant abovenamed appearing by his Proctor, Goonatilleke Banda Ellepola states as follows:-

1. The 1st Plaintiff-Respondent abovenamed sued the Defendant-Appellant for a declaration of title to and ejection from the lands described in the Schedule of the Plaint.

10 2. The 1st Plaintiff claimed title by virtue of her being an heir-at-law to her father Richard Dullewe who had held the premises under and by virtue of the Deed of Gift bearing No. 183 of 26th May 1941.

3. The Defendant-Appellant pleaded that the donor in deed No. 183 of 26th May 1941 had revoked the said Deed of Gift by Deed No. 9048 of 26th October 1943 and had thereafter by his Deed No. 9049 of 26th October 1943 gifted the premises to the Defendant-Appellant.

4. The parties went to trial on the main issue as to whether Deed No. 183 of 26th May 1941 was a revocable Deed of Gift, the
20 parties admittedly being Kandyans.

5. The Learned District Judge on 9th September 1963 delivered judgment in favour of the 1st Plaintiff-Respondent.

6. Being aggrieved with the said judgment the Defendant-Appellant appeals to Your Lordships' Court on the following amongst other grounds which may be urged at the hearing of this appeal.

- (a) The Judgment is contrary to law
- (b) The Donor in Deed No. 183 of 26th May 1941 had a right to revoke the Deed of Gift as he had not renounced his right to revoke
- 30 (c) The words "Irrevocable" in the Deed No. 183 of 26th May 1941 do not constitute
 - (1) An express renunciation of the right of revocation
 - (2) A sufficient compliance with the requirements of Section

No. 13
Petition of
Appeal to the
Supreme Court-
9. 9. 63
—Continued

5(d) of Chapter 50 of the Revised (1956) Legislative Enactments of Ceylon.

- (d) The said Deed No. 183 of 26th May 1941 has thus been validly revoked by Deed No. 9048 of the 26th October 1943 and thus the title to the premises in suit is in Defendant-Appellant.

WHEREFORE THE DEFENDANT-APPELLANT PRAYS:-

- (1) That the judgment of the Learned District Judge be set aside
- (2) That the Plaintiffs-Respondents' action be dismissed
- (3) For Costs of Action 10
- (4) For such further and other relief as to Your Lordships' Court shall seem meet.

Sgd. G. B. ELLEPOLA.
Proctor for Defendant-Appellant.

No. 14
Judgment of
the Supreme
Court-
3. 12. 65

No. 14

Judgment of the Supreme Court

Supreme Court No. 391 (Final) of 1963. District Court Kandy L.5765

Parties : Tikiri Banda Dullewe *Defendant-Appellant*
Vs.

1. Padma Rukmani Dullewa 20
2. Loku Banda Dullewe *Plaintiffs-Respondents.*

Present : T. S. Fernando J. and Sirimane J.

Counsel: H. V. Perera, Q. C., (with him, C. R. Gunaratne and N. S. A. Goonetilleke), for *Defendant-Appellant;*
S. Nadesan, Q. C. (with him, S. Sharvananda), for *Plaintiffs-Respondents.*

Argued on: 4th November 1965

Decided on: 3rd December 1965

T. S. Fernando J.

Mr. Perera has invited us on this appeal to consider the correctness 30 of the decision of this Court in *Punchi Banda V. Nagasena* (1963)-64 N. L. R. 548 which held that by the use of the single word 'Irrevocable' in a Kandyan deed of gift the donor may, under section 5(1)(d) of the Kandyan Law Declaration and Amendment Ordinance (Cap. 59), expressly renounce his right to revoke the gift.

By the deed we are concerned with on this appeal the donor gifted a number of lands to his son "as a gift irrevocable", subject however to a *fidei commissum*. Mr. Perera has argued that the expression 'as a gift irrevocable' in the deed is merely declaratory of the kind of gift he was making, but does not amount to an express renunciation of the statutory right to revoke vested in him by section 5(1)(d) of the Ordinance. We are unable to accede to that argument. We agree respectfully with the reasons contained in *Punchi Banda V. Nagasena (supra)*., and we may add that the same
 10 interpretation of the relevant provision of the Ordinance is to be found in the later decision in the case of *Kuruppu V. Dingiri Menika* - (S.C. 161/62 (F) - D. C. Kandy 6442 - S. C. Minutes of 5. 12. 1963). Herat J. (with Sri Skanda Rajah J. agreeing) there held that the expression in a deed "by way of gift absolute and irrevocable" is a sufficient compliance with the provisions in section 5 (1) (d) to indicate clearly that the gift was an irrevocable Kandyan deed of gift.

No 14
 Judgment of
 the Supreme
 Court-
 3. 12. 65
 —Continued

Mr. Perera has stated that in District Court Kurunegala Case No. 10580 and in District Court Ratnapura Case No. 1317, the respective District Courts have held that this expression "as a gift
 20 absolute and irrevocable" does not constitute a sufficient compliance with the requirements of the said section, and that appeals taken from these two decisions to this Court have been dismissed. We have sent for and examined the records of these two cases but find that both appeals have been dismissed without reasons stated. The appeal in the Kurunegala case has been dismissed on 11th October 1956 and that in the Ratnapura case on 16th September 1960. We therefore do not know whether the point now raised received consideration by the Court on either occasion. *Punchi Banda V. Nagasena (supra)* and *Kuruppu V. Dingiri Menika (Supra)* are decisions of 1963 and, as stated
 30 above, we see no good reason for taking a different view.

We would dismiss this appeal with costs.

Sgd. T. S. Fernando
Puisne Justice.

Sirimane J.

I agree.

Sgd. A. L. S. Sirimane
Puisne Justice.

No. 15
Decree of the Supreme Court.

S. C. 391/63 (F)

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.

Padma Rukmani Dullewe, Minor, by her duly appointed next-friend Loku Banda Giragama, both of Dodantale Walawwe in Mawanella..... *Plaintiffs.* 10

vs.

Tikiri Banda Dullewe of Galkanda in Anniewatte, Kandy.....*Defendant.*

Tikiri Banda Dullewe of Galkanda in Anniewatte, Kandy *Defendant-Appellant.*

against

Padma Rukmani Dullewe, Minor, by her duly appointed next-friend Loku Banda Giragama, both of Dodantale Walawwe in Mawanella.....
.....*Plaintiffs-Respondents.* 20

Action No. 5765/L

District Court of Kandy

This cause coming on for hearing and determination on the 4th November, 1965 and 3rd December, 1965, upon an appeal preferred by the Defendant - Appellant before the Hon. Thusew Samuel Fernando, Q. C., Puisne Justice and the Hon. Albert Lionel Stanley Sirimane, Puisne Justice of this Court, in the presence of Counsel for the Defendant-Appellant and the Plaintiffs-Respondents.

It is considered and adjudged that this appeal be and the same is hereby dismissed. 30

It is ordered and decreed that the Defendant-Appellant do pay to the Plaintiffs-Respondents the taxed costs of this appeal.

(*Vide* copy of Judgment attached)

Witness the Hon. Miliani Claude Sansoni, Chief Justice, at Colombo, the 15th day of December, in the year One Thousand Nine hundred and Sixty Five and of Our Reign the Fourteenth.

Sgd. B. F. PERERA
Deputy Registrar, Supreme Court.

No. 16

**Application for Conditional Leave to Appeal to the
Privy Council.**

No. 16
Application for
Conditional
Leave to Appeal
to the Privy
Council.
22. 12. 65.

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

Tikiri Banda Dullewe of Galkanda, Anniewatte,
Kandy.....*Defendant-Appellant.*

vs.

- | | |
|---|--|
| District Court
Kandy
L. 5765 | 1. Padma Rukmani Dullewe by her duly appointed
next friend |
| 10 Supreme Court
No. 391/63/(F)

Supreme Court
Application
No. 498/65 | 2. Loku Banda Giragama both of Dodantale Walawwe,
Mawanella..... <i>Plaintiffs-Respondents.</i>

In the matter of an application for Conditional
Leave to appeal to Her Majesty the Queen in Council
under the Appeals (Privy Council) Ordinance.
Tikiri Banda Dullewe of Galkanda, Anniewatte
Kandy..... <i>Defendant-Appellant.</i> |
| | vs. |
| 20 | 1. Padma Rukmani Dullewe by her duly appointed
next friend,

2. Loku Banda Giragama both of Dodantale Walawwe,
Mawanella..... <i>Plaintiffs-Respondents.</i> |

To,

HIS LORDSHIP THE HONOURABLE THE CHIEF JUSTICE AND
THE OTHER JUDGES OF THE SUPREME COURT OF
THE ISLAND OF CEYLON

On this 22nd day of December 1965.

- The Petition of the Defendant-Appellant abovenamed appearing by
Vernon Bertrand Stanislaus Abraham, Charles Joseph Oorloff, Mahinda
Abhaya Ellepola and Thomas Rhomer Pullenayagam, Proctors of the
30 Honourable the Supreme Court of the Island of Ceylon, practising
in partnership under the name style and firm of "ABRAHAMS" his
Proctors, states as follows:-

1. Feeling aggrieved by the judgment and decree of the Supreme
Court pronounced in the above case on the 3rd day of December
1965, the Defendant-Appellant is desirous of appealing therefrom to
Her Majesty the Queen in Council.

No. 16
Application for
Conditional
Leave to Appeal
to the Privy
Council.
22. 12. 65.
—Continued

2. The said judgment is a final judgment in a civil suit or action and the matter in dispute amounts to or is of the value of Rs. 5,000/- or upwards and the appeal involves directly or indirectly some claim or question to or respecting property amounting to or of the value of five thousand rupees (Rs. 5000/-) or upwards.

3. The Defendant-Appellant, in terms of Rule 2 of the Schedule to the Appeals (Privy Council) Ordinance, has within fourteen days from the date of the above judgment duly given to the Plaintiffs-Respondents notice of his intended application to this Court for leave to appeal to Her Majesty in Council in the following manner:- 10

- (a) To the above named First Plaintiff-Respondent by registered post and by telegram addressed care of the 2nd Plaintiff-Respondent at the above address and care of C. Attapattu, Negombo Road, Nittambuwa.
- (b) To the above named Second Plaintiff-Respondent by registered post and telegram to the address mentioned above.
- (c) To the Plaintiffs-Respondents' (Proctor by registered post, by ordinary post, under certificate of posting and through this Court).

WHEREFORE the Defendant-Appellant prays:- 20

- (a) for Conditional Leave to appeal to Her Majesty the Queen in Council against the judgment of this Court dated 3rd December 1965.
- (b) and for such other and further relief as to your Lordships' Court shall seem meet.

Sgd. ABRAHAMS
Proctors for Defendant-Appellant-Petitioner.

No. 17

**Minute of Order granting Conditional Leave to Appeal
to the Privy Council**

No. 17
Minute of Order
granting Condi-
tional Leave to
Appeal to the
Privy Council—
21-6-66

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

In the matter of an application for Conditional
Leave to Appeal to the Privy Council under the
Rules set out in the Schedule to the Appeals
(Privy Council) Ordinance.

Supreme Court
Application

10 No. 498/65

Supreme Court
No. 391/63 (F)
District Court
Kandy L. 5765

Tikiri Banda Dullewe of Galkanda, Anniewatte,
Kandy.....*Defendant - Appellant*

Vs.

1. Padma Rukmani Dullewe by her duly appointed
next friend,
2. Loku Banda Giragama both of Dodantale
Walawwa, Mawanella.....*Plaintiffs-Respondents*

The application of Tikiri Banda Dullewe of Galkanda, Anniewatte,
20 Kandy, for Conditional Leave to Appeal to Her Majesty the Queen
in Council from the judgment and decree of the Supreme Court of
the Island of Ceylon pronounced on the 3rd day of December 1965
in Supreme Court 391 (Final) of 1963 District Court Kandy Case
No. 5765/L, having been listed for hearing and determination before
the Honourable Thusew Samuel Fernando, Q. C., Puisne Justice, and
the Honourable Ponnuduraisamy Sri Skanda Rajah, Puisne Justice, in
the presence of C. R. Gunaratne Esquire, with N. S. A. Goonatilleke
Esquire, Advocates, for the Defendant - Appellant and S. Sharvananda
Esquire, Advocate, for Plaintiffs-Respondents, order has been made by
30 Their Lordships on the 21st day of June 1966 allowing the aforementioned
application for Conditional Leave to Appeal to Her Majesty the
Queen in Council.

Sgd: N. Navaratnam.
Registrar of the Supreme Court.

No. 18

No. 18
Application for
Final Leave to
Appeal to
the Privy
Council-
6. 7. 66.

Application for Final Leave to Appeal to the
Privy Council

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

	Tikiri Banda Dullewe of Galkanda, Anniewatta, Kandy..... <i>Defendant - Appellant.</i>
	<i>Vs.</i>
Supreme Court Application No. 391/63 (F)	1. Padma Rukmani Dullewe by her duly appointed next friend,
	2. Loku Banda Giragama both of Dodantale Walawwa, 10 Mawanella. <i>Plaintiffs - Respondents</i>
Supreme Court Application No. 498/65	In the matter of an application for Final Leave under the provisions of the Appeals (Privy Council) Ordinance (Cap. 100)
	Tikiri Banda Dullewe of Galkanda, Anniewatta, Kandy..... <i>Defendant- Appellant.</i>
	<i>Vs.</i>
Supreme Court Application No: 267/66	1. Padma Rukmani Dullewe by her duly appointed next friend,
	2. Loku Banda Giragama both of Dodantale Walawwa, 20 Mawanella..... <i>Plaintiffs- Respondents.</i>

TO:

THE HONOURABLE THE CHIEF JUSTICE AND THE OTHER
JUDGES OF THE HONOURABLE THE SUPREME COURT OF THE
ISLAND OF CEYLON

On this 6th day of July 1966.

The Humble Petition of the Defendant - Appellant abovenamed
appearing by Vernon Bertrand Stanislaus Abraham, Charles Joseph
Oorloff, Mahinda Abhaya Ellepola and Thomas Rhomer Pullenayegam,
practising in partnership under the name style and firm of "ABRAHAMS", 30
his Proctors, states as follows:-

1. That the Defendant - Appellant on the 21st day of June 1966,
obtained Conditional Leave from this Honourable Court to
appeal to Her Majesty the Queen in Council against the judgment
of this Court pronounced on the 3rd day of December 1965.

2. That the Order granting Conditional Leave to Appeal was given subject to the usual conditions and no conditions were imposed under Rule 3 (b) of the Schedule Rules of the Appeals (Privy Council) Ordinance (Cap. 100).
3. That the Defendant - Appellant has in compliance with the said conditions:-

No. 18
Application for
Final Leave to
Appeal to
the Privy
Council-
6. 7. 66.
—Continued

- 10 (a) On the 5th day of July 1966, deposited with the Registrar of this Court the sum of Rs. 3,000/- being security for costs of Appeal under Rule 3(a) of the Schedule Rules and hypothecated the said sum of Rs. 3,000/- by Bond dated the 5th day of July 1966, for the due prosecution of the Appeal and the payment of all costs that may become payable to the Plaintiffs-Respondents in the event of the Defendant-Appellant not obtaining an order granting him Final Leave to Appeal or of the Appeal being dismissed for non-prosecution or of Her Majesty the Queen in Council ordering the Defendant-Appellant to pay the Plaintiffs-Respondents' costs of Appeal, and
- 20 (b) On the 5th day of July 1966, deposited the sum of Rs. 300/- with the Registrar of this Court in respect of the amounts and fees required by paragraph 8(a) of the Appellate Procedure (Privy Council) Order 1921 made under Section 4(d) of the aforesaid Ordinance.

WHEREFORE the Defendant-Appellant prays that he be granted Final Leave to Appeal against the said Judgment of this Court dated the 3rd day of December 1965, to Her Majesty the Queen in Council.

Sgd. ABRAHAMS
Proctors for Defendant-Appellant.

No. 19

30 **Minute of Order Granting Final Leave to Appeal to the Privy Council.**

IN THE SUPREME COURT OF THE ISLAND OF CEYLON

Supreme Court Application No. 267/66 (Final Leave)

In the Matter of an application for Final Leave to Appeal to the Privy Council under the Rules set out in the Schedule to the Appeals (Privy Council) Ordinance.

No. 19
Minute of
Order Granting
Final Leave to
Appeal to the
Privy Council-
13. 8. 66

No. 19
Minute of
Order Granting
Final Leave to
Appeal to the
Privy Council-
13. 8. 66
—Continued

Supreme Court Application No. 498/65 (Conditional Leave)	Tikiri Banda Dullewe of Galkanda, Anniewatte, Kandy..... <i>Defendant-Appellant.</i>
	vs.
Supreme Court No. 391/63 (F) District Court Kandy L5765	1. Padma Rukmani Dullewe by her duly appointed next friend, 2. Loku Banda Giragama both of Dodantale Walawwa Mawanella... .. <i>Plaintiffs-Respondents.</i>

The application of Tikiri Banda Dullewe of Galkanda, Anniewatte, 10 Kandy, for Final Leave to Appeal to Her Majesty the Queen in Council from the judgment and decree of the Supreme Court of the Island of Ceylon pronounced on the 3rd day of December 1965 in Supreme Court 391 (Final) of 1963 District Court Kandy Case No. 5765/L, having been listed for hearing and determination before the Honourable Millani Claude Sansoni, Chief Justice, and the Honourable Henry Wijayakone Tambiah, Q. C., Puisne Justice, in the presence of C. R. Gunaratne Esquire, with N. S. A. Goonetilleke Esquire, Advocates for Defendant-Appellant; and there being no appearance for the Plaintiffs-Respondents, order has been made by Their Lordships 20 on the 13th day of August, 1966 allowing the aforementioned application for Final Leave to Appeal to Her Majesty the Queen in Council.

Sgd. N. NAVARATNAM
Registrar of the Supreme Court.

PART II - EXHIBITS

Deed No. 183 attested by J. L. P. R. Tambyraja, Notary Public.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41

Registered (1-41, 44-55, & 57-67 lands) B69/73, 74, 137/119, 69/77, 81
118/295, 137/120-123, 114/297, B137/124-128, 55/102, 103, D80/231-233,
C61/140-149, B100/172, B93/276, 2/22-24. 137/129, 130, 36/160 & 137/133-
143, 145-165.

Matale, 16th June 1941.

Sgd.....
Registrar of Lands.

10 42nd Land Registered B137/131.
Matale, 16th June 1941.

Sgd.
Registrar of Lands.

No. 183

TO ALL TO WHOM THESE PRESENTS SHALL COME DULLEWE
MAHA WALAWWE LOKU BANDAR DULLEWE RATE ADIGAR
OF DULLEWE IN THE UDASIYA PATTU OF THE ASGIRI KORALE
in the SOUTHERN DIVISION of the MATALE DISTRICT in the
CENTRAL PROVINCE (hereinafter sometimes called the said Donor)

20 SENDS GREETING :

WHEREAS the said DONOR is seized and possessed and lawfully
entitled to the several lands and premises in the SCHEDULE hereto
morefully described.

AND WHEREAS the said DONOR is desirous of gifting the said
lands unto his son NAVARATNE WICKREMASINGHE SAMARA-
KON JAYATILLEKA PANDITA MUDIYANSE RALAHAMILLAGE
RICHARD DULLEWE of DULLEWE MAHA WALAWWA IN
DULLEWE aforesaid subject to the condition hereinafter contained.

30 NOW KNOW YE AND THESE PRESENTS WITNESS that the
said DONOR in consideration of the love and affection which he
has unto the said NAVARATNE WICKREMASINGHE SAMARA-
KON JAYATILLEKE PANDITA MUDIYANSE RALAHAMILLAGE
RICHARD DULLEWE (hereinafter sometimes called the said DONEE)
and for diverse other good causes and considerations him hereunto

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

specially moving doth hereby grant, convey, assign, transfer, set over and assure unto the said DONEE as a gift irrevocable but subject to the condition hereinafter contained.

All those premises in the SCHEDULE hereto of the value of RUPEES TEN THOUSAND (Rs. 10000/-) only.

Together with all and singular the rights, privileges, easements, advantages, servitudes and appurtenances whatsoever thereto belonging or in any wise appertaining or usually held, occupied, used or enjoyed therewith or reputed or known as part or parcel thereof and all the estate, right, title, interest, claim and demand whatsoever of the said DONOR in, to, out of or upon the said premises and every part thereof and all the title deeds, vouchers and other writings therewith held or relating thereto. 10

TO HAVE AND TO HOLD the said lands and premises hereby conveyed unto the said DONEE subject to the condition that the said DONEE shall not sell, gift, mortgage or otherwise alienate or encumber the said premises (but may lease the said premises for a period not over five years) and after his death the same shall devolve absolutely on his legal issue and in the event of his dying without legal issue the premises shall devolve absolutely on NAVARATNE WICKREMASINGHE SAMARAKOON JAYATILLEKE PANDITA MUDIYANSE RALAHAMILLAGE TIKIRI BANDA DULLEWE of DULLEWE MAHA WALAWWA in DULLEWE aforesaid. 20

AND the said DONOR for himself his heirs, executors and administrators does hereby covenant, promise and declare with and to the said DONEE and his heirs, executors, administrators and assigns that the said premises hereby conveyed are free from any encumbrance whatsoever and that he has not at any time heretofore made, done or committed or been party or privy to any act, deed, matter or thing whatsoever whereby or by means whereof the said premises or any part thereof, are, is, can, shall or may be impeached or encumbered in title, charge, estate or otherwise howsoever and that he and his aforewritten shall and will at all times hereafter warrant and defend the same and every part thereof unto the said DONEE against any person or persons whomsoever and further shall and will at all time hereafter at the request and cost of the said DONEE and his aforewritten do and execute or cause to be done and executed all such further and other acts, deeds, assurances, matters 30

and things whatsoever for the further and more perfectly assuring the said premises sold and conveyed and every part thereof unto the said DONEE as shall or may be reasonably required.

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41

AND KNOW ALL MEN BY THESE PRESENTS that the said NAVARATNE WICKREMASINGHE SAMARAKOON JAYATILLEKE PANDITA MUDIYANSE RALAHAMILLAGE RICHARD DULLEWE doth hereby thankfully accept this Gift or Donation.

—Continued

SCHEDULE ABOVE REFERRED TO:-

1. An undivided one sixth (1/6) share of the land called KEHEL
10 WATTEHENA situated at TALGAHAGODA in the UDASIYA PATTU of the ASGIRI KORALE aforesaid containing in extent about TWO ACRES and bounded on the East by Galpila, South by the fence of the Hena belonging to the Basnayake Nilame, West by Mala Ela and on the North by the limit of Pansalahena and registered in the Matale Land Registry Office B Volume 69, Folio 73.

2. An undivided one sixth (1/6) share of the land called Pallevatta situated at Daluwela in the Udasiya Pattu aforesaid containing in extent about Six Acres and bounded on the East by Ela and fence of Koralegedarawatta, South by Pihillalanda Galhoeriya, West
20 by Ela and fence of Aluvihare Walawwewatta and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela and registered in the Matale Land Registry Office B Volume 69, Folio 74 which said premises have been held and possessed by the said DONOR upon Deed of Transfer No. 11426 dated 15th February, 1911 attested by S. M. P. Wijayatillaka, Notary Public.

3. An undivided Half (1/2) share of the field called Hewankumbura situated at DULLEWE aforesaid containing in extent about Six Lahas paddy sowing and bounded on the East by Owille Gedara Kumbura and Pansala Kumbura, South by Owille Gedera
30 Kumbura and Paragodagedara Kumbura, West by Oya and on the North by Baddegedara Kumbura and registered in the Matale Land Registry Office N Volume 231, Folio 71 which said premises have been held and possessed by the said DONOR upon Deed of Gift No. 23689 dated 27th February, 1920 attested by S. M. P. Wijayatillaka, Notary Public.

4. An undivided One Twelfth (1/12) share of the land called Kehelwattehena situated at Talgahagoda aforesaid containing in extent about Two acres and bounded on the East by Galpila, South by the

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

fence of the Hona belonging to Basnayake Nilame, West by Mala Ela and on the North by the limit of Pansalehena registered in the Matale Land Registry Office B Volume 69, Folio 73.

5. An undivided One Twelfth (1/12) share of the land called Pallewatta situated at Daluwela aforesaid containing in extent about Six Acres and bounded on the East by Ela and fence of Koraledarawatta, South by Pihillalande Galheeriya, West by Ela and fence of Aluwihare Walawwewatta and on the North by fence of Siyambala Unumuwe Kumbura and Maha Ela registered in the Matale Land Registry Office B Volume 69, Folio 74. 10

6. An undivided One Twelfth (1/12) share of the field called Siyambala Unumuwa situated at Daluwela aforesaid containing in extent Three Pelas Paddy sowing and bounded on the East by fence of Parawala Kumbura, South by fence of Aluwihara Walawwewatta, West by fence of Yaddesalaye Kumbura and fence of Edurudena Kumbura and on the North by Imaniyara of Udawalawwe Kumbura registered in the Matale Land Registry Office B Volume 69, Folio 77.

7. An undivided One Twelfth (1/12) share of the field called Waralakwele Makulamula Kumbura situated at Dullewa aforesaid containing in extent One Pela paddy sowing and bounded on the East 20 by Elaweilla, South by Manniyara or Gansabawa Road, West by Ela and on the North by Imaniyara of Yatawattegedera Kumbura registered in the Matale Land Registry Office B Volume 69, Folio 81 which said several premises have been held and possessed by the said DONOR upon Deed of Transfer No. 9195 dated 31st December, 1928 attested by H. D. Gunasekera, Notary Public.

8. An undivided One Sixth (1/6) share exclusive of the portion called Medapela towards the middle in extent one pela paddy sowing of the field called Siyambala Unumuwa situated at Daluwela aforesaid containing in extent Three pelas paddy sowing and bounded on the 30 East by the fence of Parawala Pillawa, South by fence of the garden belonging to Loku Banda Lekam Mahatmaya, West by fence of Edurudena Kumbura and on the North by Imaniyara of Pinkumbura registered in the Matale Land Registry Office B Volume 118, Folio 295 which said premises have been held and possessed by the said Donor upon Deed of Transfer No. 8898 dated 2nd March, 1909 attested by S. M. P. Wijayatillaka, Notary Public.

9. An undivided Half (1/2) share of the field called Howankumbura situated at Eripola in the Udasiya Pattu aforesaid containing in extent Eight lahas paddy sowing and bounded on the East by Imaniyara of Pansala Kumbura and Imaniyara of Owilegedara Kumbura, South by Imaniyara of Paragodagedara Kumbura, West by Oya and on the North by Imaniyara of Baddegedara Kumbura held and possessed by the said Donor upon Deed of Transfer No. 8240 dated 18th September 1908 attested by S. M. P. Wijayatillaka, Notary Public.

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

10. An undivided Half (1/2) share of the field called Dalupote-
lindalanga Hayalaha situated at Dullewa aforesaid containing in extent about six lahas paddy sowing and bounded on the East by Pahala-gedarawatta and Lindapitiye Watta, South by limit of the field belonging to Dullewe Korale Mahatmaya, West by Gallenamullegedara Kumbura and limit of the field belonging to Ihalawalawwe Banda and on the North by the limit of the field belonging to Ihalawalawwe Banda registered in the Matale Land Registry Office N Volume 141 Folio 238 which said premises has been held and possessed by the said Donor upon Deed of Transfer No. 2581 dated 4th August, 1904, attested by S. M. P. Wijayatillaka, Notary Public.

20 11. All that land called Hewankumbura Pillawa together with house standing thereon situated at Kekulalla in Dullewa aforesaid containing in extent about One Nellie Kurakkan sowing and bounded on the East by fence of the garden of Basnayake Nilame, South by fence of Hewankumbura Pillawa belonging to Punchi Banda and others, West by Kumbura Iwra and on the North by fence which said premises has been held and possessed by the said Donor upon Deed of Transfer No. 11195 dated 21st December, 1910 attested by S. M. P. Wijayatileka, Notary Public.

30 12. All that field called Wadukumbura containing in extent six lahas paddy sowing together with the Pillawa adjoining thereto containing in extent One Nellie Kurakkan sowing situated at Dullewa aforesaid and bounded on the East and South by Imaniyara of the field belonging to Aluwihare Uda Walawwa, West by fence of garden of Gonnewe Punchi Appuhamy and on the North by Imaniyara of the field of Ratninde Walawwa registered in the Matale Land Registry Office N Volume 123, Folio 389 and held and possessed by the said Donor upon Deed of Transfer No. 8027 dated 7th July, 1891 attested by U. B. Ekanayaka, Notary Public.

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

13. An undivided One Twentieth (1/20) share of the field called Oyekumbura situated at Dullewa aforesaid containing in extent two pelas paddy sowing or One and Sixty Seven upon One Hundred (1,67/100) Acres bounded on the East by the field belonging to Soerala and Appuhamy, South by Oya, West by limits of the fields belonging to Ratninde Banda and two others and on the North by the field belonging to Palingu Menika, Punchi Banda and Wattededara Seerala registered in the Matale Land Registry Office N Volume 89, Folio 132 and held and possessed by the said Donor upon Deed of Transfer No. 6676 dated 29th July, 1907 attested by S. M. P. Wijayatillaka, 10 Notary Public.

14. All that land called Kehelkotuwa situated at Naldena in the Udasiya Pattu aforesaid containing in extent Six nellies kurakkan sowing and bounded on the East by Galenda of Kiriya's garden, South by Stone fence of Wedakarayagewatta, West by Galenda of Kandehena and on the North by Hena Ela belonging to Boda and held and possessed by the said Donor upon Deed of Transfer No. 20321 dated 7th January, 1918 attested by S. M. P. Wijayatillaka. Notary Public.

15. An undivided Half (1/2) share of the land called Keonagaha- 20 mulawatta situated at Dorakumbura in the Udasiya Pattu aforesaid containing in extent Twenty Nellies Kurakkan sowing and bounded on the East by Walawwewatta Weta, South by fence of Walawwewatta and Tanahena, West by Stone fence of Ihalawatta and on the North by Ela.

16. An undivided Two Eighth (2/8) shares of the land called Ihalakandehena situated at Dorakumbura aforesaid containing in extent Twenty Nellies Kurakkan sowing and bounded on the East by Weilla, South by limit of Samadara's Hena, West by Galpila and on the North by the limit of Tikira's hena.

17. An undivided Half (1/2) share of the land called Kehelwerelle- 30 hena situated at Dorakumbura aforesaid containing in extent Five lahas kurakkan sowing and bounded on the East by Galdetta, South by Galkanda Ela, West by Galdetta of Warisa's field and on the North by limit of Dullandehena which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 12583 dated 22nd December, 1911 attested by S. M. P. Wijayatillaka, Notary Public.

18. All that land called Kitulamulahena situated at Dullewa aforesaid containing in extent Two Acres and Two roods (2A. 2R. OP)

and bounded on the East by limit of Siina Lebbe's land and the fence of Ran Naide's hena, South by Mala Ela of Walawwe hena, West by the fence of Ran Naide's garden and on the North by fence of the garden belonging to Periyasamy registered in the Matale Land Registry Office N Volume 171, Folio 114 held and possessed by the said Donor by right of paternal inheritance.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

19. An undivided One third (1/3) share of the land called Berawakandegalkotuwa situated at Alakolaanga in Dullewa aforesaid containing in extent Five nellies kurakkan sowing and bounded on
10 the East by Stone, South, West and North by the land belonging to Periyasamy.

20. An undivided One Third (1/3) share of the land called Attikkagahamullahena situated at Alakolaanga aforesaid containing in extent Five nellies kurakkan sowing and bounded on the East, South and West by the land belonging to Periyasamy and on the North by the lands belonging to Periyasamy and Sandana which said premises have been held and possessed by the said donor upon Deed of Transfer No. 14311 dated 28th March, 1913 attested by S. M. P. Wijayatilleka, Notary Public.

20 21. All that field called Ambamulle Kumbura situated at Beligamuwa in Kandapalla Korale of the Matale North division of the Matale District aforesaid containing in extent Three pelas paddy sowing or One Acre, three roods and Eighteen Perches (1A. 3R. 18P) and bounded on the East by Oya, South by Imaniyara of Tingole Kumbura, West by Weta Roda of Ambamulla and on the North by the Imaniyara of the field belonging to Ehelepola Walawwa registered in the Matale Land Registry Office N Volume 163, Folio 260.

22. All that field called Koholane Kumbura situated at Beligamuwa aforesaid containing in extent about Three pelas paddy sowing or
30 One Acre and Three Roods (1A. 3R. OP) and bounded on the East by Medalande Wetareda, South by Imaniyara of Dehimullekumbura, West by fence of the Pillawa and on the North by the Imaniyara of Panwiladewayage Kumbura, registered in the Matale Land Registry Office N Volume 163 Folio 261.

23. All that field called Dehimulle Kumbura situated at Beligamuwa aforesaid containing in extent about Three pelas paddy sowing or One Acre and Three Roods (1A. 3R. OP) and bounded on the East by

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

Medalande Weta Roda, South by Makulgaskotuwa, West by Pillawa belonging to the Walawwa and on the North by Imaniyara of Koholane Kumbura registered in the Matale Land Registry Office N Volume 163, Folio 262, which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 12114 dated 28th August, 1911 attested by S. M. P. Wijayatillaka, Notary Public.

24. All that field called Kuda Arachchilage Kumbura alias Weeragaha Kumbura situated at Kiribatkumburewela in Ataragallewa in Gangala Udasiya Pattu of the Matale East division of the Matale District aforesaid 10 containing in extent about One Amunam paddy sowing and bounded on the East by Weta Roda, South by Imaniyara of the field belonging to Manmadu Tamby, West by Ela and on the North by Imaniyara of the field belonging to Hamidu Lebbe registered in the Matale Land Registry Office N Volume 125, Folio 267 and held and possessed by the said Donor upon Deed of Transfer No. 6894 dated 10th September 1907 attested by S. M. P. Wijayatillaka, Notary Public.

25. All that Daranda Portion alias Southern Portion containing in extent about Two pelas paddy sowing out of the field called Kotuwekumbura containing in extent about Five pelas paddy sowing 20 situated at Ataragallewa aforesaid and which said Daranda Portion alias Southern Portion is bounded on the East by Ela, South by limit of Wadekumbura, West by limit of Bakalige Kumbura and on the North by the limit of the remaining portion registered in the Matale Land Registry Office N Volume 235, Folio 263 and held and possessed by the said donor upon Deed of Transfer No. 24365 dated 16th June 1920 attested by S. M. P. Wijayatillake, Notary Public.

26. All that field called Kongaha Kumbura situated at Ihalawela in Ataragallewa aforesaid containing in extent about Three pelas and Five lahas paddy sowing and bounded on the East by Imaniyara 30 of Dambagagaha Kumbura, South by Imaniyara of Koltassare Kumbura, West by Maha Ela and on the North by Imaniyara of Maha Kumbura held and possessed upon Deed of Transfer No. 5640 dated 24th February 1916 attested by H. D. Weerasekera, Notary Public.

27. All that field called Kiribatkumburewela Medakumbura situated at Ataragallewa aforesaid containing in extent about Two pelas paddy sowing and bounded on the East by Field belonging to the Estate of Don Samuel Wickremasekara, Notary, South by Kosgaha

28. An undivided One fourth (1/4) share of the field called Ihalawelekotuwe Kumbura situated at Ataragallewa aforesaid containing in extent about Two Amunams paddy sowing and bounded on the East by Welangaha Kumbura, South by Welangaha Kumbura and Wanata, West by Ela and on the North by Wanata registered in the Matale Land Registry Office N Volume 126, Folio 233.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

29. All that Western Half Portion containing in extent about Two pelas paddy sowing out of the field called Godakumbura containing in extent about One Amunam paddy sowing situated at Ataragallewa aforesaid and which said Western Half Portion is bounded on the East by limit of the remaining half portion, South by field belonging to Omaru Kanduru, West by Ela and on the North by Wanata, registered in the Matale Land Registry Office N Volume 171, Folio 300, which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 7148 dated 12th November, 1907 attested by S. M. P. Wijayatilaka, Notary Public.

30. All that field called Kadullagawa Kumbura containing in extent about Five pelas paddy sowing situated at Ataragallewa aforesaid and bounded on the East by Pillawa, South by limits of the fields called Atuwagawa Kumbura and Sawalakarayage Kumbura, west by Ela Weilla leading to Kiribatkumbura and on the North by limits of the fields belonging to Marikkar Tamby Arachchi and Pakeer Tamby Registered in the Matale Land Registry Office N Volume 131, Folio 392 and held and possessed by the said Donor upon Deed of Transfer No. 6189 dated 14th October, 1916 attested by H. D. Weerasekera Notary Public

31. All that field called Gambirigaha Kumbura containing in extent One Amunam paddy sowing situated at Ihalawela in Ataragallewa aforesaid and bounded on the East by Ela and Weta Roda, South by Imaniyara of the field belonging to Imbule Arachchi, West by Ela and on the North by Imaniyara of Tadiyage Kumbura, registered in the Matale Land Registry Office N Volume 171, Folio 301 and held and possessed by the said Donor upon Deed of Transfer No. 7149 dated 12th November, 1907 attested by S. M. P. Wijayatillaka, Notary Public.

32. All that Eastern Portion containing in extent about Two pelas paddy sowing out of the field called Godakumbura containing in extent One Amunam paddy sowing situated at Ataragallewa aforesaid

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

and which said Eastern portion is bounded on the East by Field belonging to Marikkar Arachchi and others, South by field belonging to Omaru Kanda, West by the limit of the remaining portion and on the North by Wanata, registered in the Matale Land Registry Office N Volume 126, Folio 228.

33. All that field called Karuwalagaha Kumbura situated at Ulpothawela in Ataragallewa aforesaid containing in extent One Amunam paddy sowing and bounded on the East by Oya and Roda, South by Imaniyara of the fields called Kapuyaya and Muttettuwa, West by Imaniyara of Millagahakumbura and on the North Pillawa, registered 10 in the Matale Land Registry Office N Volume 126, Folio 230, which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 6190 dated 14th October, 1916 attested by H. D. Weerasekara, Notary Public.

34. All that Lot marked Q 145 A in Title Plan No. 123457 of the land called Moragollehena containing in extent Nine Acres, Two Roods and Ten Perches (9A. 2R. 10P) situated at Dullewa aforesaid and bounded on the East by land described in Plan No. 123471, South by land described in Plan No. 123471 and by a Water Course, South- 20 West by a Road and on all other sides by land said to belong to the Crown, held and possessed by the said Donor upon Crown Grant.

35. An undivided One Fourth (1/4) share of all that field called Siymbala Anuwa containing in extent One Pela paddy sowing situated at Daluwela aforesaid and bounded on the East by Deniya Kotuwa, South by the limit of field belonging to Talgahagoda Walawwa, West by the limit of Punchi Appuhamy's field and on the North by the limit of Meddegedara Banda's field, registered in the Matale Land Registry Office B Volume 93, Folio 276 and held and possessed by the said Donor upon Deed of Transfer No. 522 dated 9th July, 1922 attested by W. Gopallawa, Notary Public. 30

36. An undivided One Third share of the Western Half Portion containing in extent Eight lahas paddy sowing out of the field called Gederawelekumbura containing in extent sixteen lahas paddy sowing together with the Pillawa adjoining thereto containing in extent One Chundu Kurakkan sowing situated at Daluwela aforesaid and which said Western Half Portion and the Pillawa are bounded on the East by the limit of the remaining portion of this field, South by the limit of Alutgamaralage Aramba, West by the limits of Udagedara

Kumbura and Pillawa and on the North by Heennepitiya, Registered in the Matale Land Registry Office, B Volume 2, Folio 22.

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41

—Continued

37 An undivided One Third (1/3) share of the Eastern Half Portion containing in Extent Six lahas paddy sowing out of the field called Gederawela containing in extent Twelve lahas paddy sowing and of the adjoining field called Gederawela Kumbura containing in extent One Pela paddy sowing situated at Daluwela aforesaid and which said Eastern Half Portion and the adjoining Gederawela Kumbura are bounded on the East by Udagedara Kumbura, South by Elaweilla,
10 West by the limit of the remaining portion and on the North by Heennepitiya, registered in the Matale Land Registry Office B Volume 2, Folio 23.

38. All that one Third of undivided Half share of the field called Siyambala Ulumuwekumbura containing in extent Twelve lahas paddy sowing situated at Daluwela aforesaid and bounded on the East by the limit of Herathgedara Kumbura, South by the limit of Lekam Mahatmayage Kumbura, West by the limit of the field of Pepole Hamuduruwange Kumbura and on the North by the limit of the field belonging to Talgahagoda Walawwa, registered in the Matale Land Registry Office B Volume 2, Folio 24 which said several premises
20 have been held and possessed by the said Donor upon Deed of Transfer No. 26078 dated 12th May, 1921 attested by S. M. P. Wijayatillaka, Notary Public.

39. All that field called Kerameeyekumbura containing in extent Two pelas and five lahas paddy sowing together with the adjoining high land called Welwattedegarawatta containing in extent Eight Nellies Kurakkan sowing situated at Daluwela aforesaid and which said Kerameeyekumbura and Welwattedegarawatte are bounded on the East by the limit of Wallige Kumbura, South by limits of the field and garden belonging to Talgahagoda Ratemahatmaya, West by the
30 limit of Hingurumaldona Kumbura and on the North by the fence of Andenamulle Pillawa and the limit of Koralegedara Kalu Banda's field together with the house thereon, registered in the Matale Land Registry Office N Volume 173, Folios 66 to 68 and held and possessed by the said Donor upon Deed of Transfer No. 10456 dated 10th May, 1910 attested by S. M. P. Wijayatillaka, Notary Public.

40. All those lands called Welkotuwa and the adjoining Aramba Liyadda containing in extent Three pelas paddy sowing situated at Talgahagoda aforesaid and bounded on the East by the fences of Panikkiyalaye Kumbura and Welkotuwegedarawatta, South by Ela,

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

West by fence of Navate Kumbura and Ela, and on the North by the fence of Polwatta, registered in the Matale Land Registry Office N Volume 149, Folio 183 and held and possessed by the said Donor upon Deed of Transfer No. 2232 dated 20th October, 1911 attested by H. D. Weerasekera, Notary Public.

41. All that field called Dalupotha Kumbura containing in extent Eight lahas paddy sowing situated at Dullewa aforesaid and bounded on the East by limit of Kamarapitiyewatta, South by Iwura and Imbulandagedara Kanatiwela Ima, West by Siwuralage Kumbura and on the north by fence of Dambaghamula Kumbura, registered in the 10 Matale Land Registry Office N Volume 215, Folio 346.

42. All that field called Dalupotha containing in extent Two pelas paddy sowing situated at Dullewa aforesaid and bounded on the East by limit of Pinchi Banda's field, South by Imaniyara of Walawwe Kumbura, West by limit of Appuhamy's field and Oya and on the North by limit of Wattegedara Kumbura registered in the Matale Land Registry Office N Volume 215, Folio 347 which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 20322 dated 7th January, 1918 attested by S. M. P. Wijayatillaka, Notary Public. 20

43. An undivided portion in extent One Timba paddy sowing towards the East out of the field called Dalupothe Kumbura containing in extent Fourteen lahas paddy sowing and bounded on the East by Kamatewatta, South by Wattegedara Kumbura, West by limit of Asweddum Liyadda belonging to Dingiri Banda and on the North by field belonging to Dingiri Menika held and possessed by the said Donor upon Deed of Transfer No. 12344 dated 12th August, 1896 attested by U. B. Ekanayaka, Notary Public.

44. An undivided Half (1/2) share of the field called Dalupothe Aswedduma containing in extent One Seer Kurakkan sowing or One 30 Timba paddy sowing situated at Dullewa aforesaid and bounded on the East by the Two Kitul trees standing on the limit of Kamarapitiya, South by limit of Nekethgedara Kumbura, West and North by limit of field belonging to Talgahagoda Temple.

45. An undivided Half (1/2) share of the land called Kambarapitiyehena containing in extent Three Seers kurakkan sowing situated at Dullewa aforesaid and bounded on the East by Road, South by

fence of Pansalewatta, West by Weilla and on the North by the fence of Appuhamy's hena which said premises have been held and possessed by the said Donor upon Deed of Transfer No. 3268 dated 25th March, 1905 attested by S. M. P. Wijayatillaka, Notary Public.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

46. An undivided Seven Fifteenth (7/15) share of the field called Welumbure Kumbura containing in extent Five Pelas paddy sowing situated at Talgahagoda aforesaid and bounded on the East by Weilla, South by Pansale Kumbura, West by Oya and on the North by Hannasgedara Kumbura, registered in the Matale Land Registry Office
10 N Volume 217, Folio 351 and held and possessed by the said Donor upon Deeds of Transfer Nos. 10770 dated 16th August, 1894 attested by U. B. Ekanayake, Notary Public, 932 dated 22nd December, 1905 attested by D. A. D. S. Wickremasinghe, Notary Public and 10619 dated 1st July, 1910 attested by S. M. P. Wijayatillaka, Notary Public.

47. All that field called Asseddumekumbura containing in extent One Timba paddy sowing situated at Dorakumbura aforesaid and bounded on the East by Imaniyara of Koholana, South by Imaniyara of the field belonging to Ranmenika, West by Malaela and on the North by the limit of the field belonging to Kudarala, registered in
20 the Matale Land Registry Office N Volume 97, Folio 232 and held and possessed by the said Donor upon Deed of Transfer No. 3657 dated 28th July, 1905 attested by S. M. P. Wijayatillaka, Notary Public.

48. An undivided One Eighth (1/8) share of the land called Andawalagedarawatta containing in extent Eight Seers Kurakkan sowing situated at Dorakumbura aforesaid together with the two rooms to the North out of the houses standing thereon and bounded on the East by Stone fence of Walawwe Kumbura, South by fence of Yatawaragedarawatta, West by Fence of Ihalawatta and on the
30 North by Fence of Walawwe Watta.

49. An undivided One Fourth (1/4) share of the land called Keenagahamulawatta containing in extent Twenty Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Fence of Walawwewatta, South by Fence of Walawwe Watta and Tanahena, West by Stone Fence of Ihalawatta and on the North by Ela.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

50. An undivided One Fourth (1/4) share of the land called Tanahena containing in extent Six Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Walawwe Watta, and Keenagahamula Watta South by Fence of Yatawarageda-rawatta West by Fence of Walawwe Hena and on the North by Fence of Keenagahamulawatta.

51. An undivided One Fourth (1/4) share of the land called Bogahamulahena containing in extent Fourteen Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Fence of Tanahena, South by limit of the remaining Portion belonging 10 to the Walawwa, West by Belungala and on the North by limit of Ihalawatta.

52. An undivided One Eighth share of the land called Ihalawatta containing in extent Sixteen Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by Stone Fence of Keenagahamulawatta, South by limit of Bogahamulahena, West by Stone Fence of Yakaduragewatta and on the North by Galkande Ela.

53. An undivided One Eighth (1/8) share of the land called Ihalakandehena containing in extent Twenty Nellies Kurakkan sowing situated at Dorakumbura aforesaid and bounded on the East by 20 Weilla, South by limit of Samandara's Hena, West by Galpila, and on the North by limit of Tikira's Hena which said several premises have been held and possessed by the said Donor upon Deed of Transfer No. 11694 dated 25th April, 1911 attested by S. M. P. Wijayatillaka, Notary Public and which has not been registered.

54. All that field called Sivalbokke Kumbura alias Hapugahadalupotha containing in extent One Amunam and Five lahas paddy sowing situated at Waralaggama in the Udasiya Pattu aforesaid and bounded on the East by Kandepallewatta and Hambankarayagewatta, South by Kiri Ukkuwage Kumbura, West by Gansabawa Road or 30 Weilla and on the North by Weilla and Dewale Watta held and possessed by the said Donor upon Deeds of Transfers Nos. 10084 dated 14th December, 1893, 12193 dated 27th April, 1896 attested by U. B. Ekanayake, Notary Public, 1713 dated 16th October, 1903, 10290 dated 4th April, 1910 and 21707 dated 6th January, 1919 attested by S. M. P. Wijayatillaka, Notary Public.

55. All that field called Waralakwela containing in extent One Pela and Two lahas paddy sowing situated at Dullewa aforesaid and bounded on the East by Ela, South by limit of Talgahagoda Walawwa, West by Arachchi Appugewattheyaya and on the North by Dullewa Walawwe Kumbura held and possessed by the said Donor upon Deeds of Transfer Nos. 10650 dated 14th July, 1910, 10910 dated 26th September, 1910 and 21075 dated 20th July, 1918 attested by S. M. P Wijayatillaka, Notary Public.

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

56. An undivided portion in extent about Four Acres
10 towards the South - exclusive of the tiled house standing thereon
out of the land called Kekulelapitiya Bandara Polwatta containing in
extent about Fourteen Acres situated in the Villages of Dullewa and
Talgahagoda aforesaid and bounded on the East by Fences of Wara-
lagwela and Welkotuwa, South by Fences of Arambe Liyadda Wetakapotha
Kumbura, West by Fence of Wetakapotha Kumbura and limit of the remain-
ing portion of Ridigama Vidane's property and on the North by Fence of
Owillegedarahena and Foot path leading to Seven Korales which is comprised
of the lands called Kekulealapitiya Puranwatta in extent Five Nellies
Kurakkan sowing, Kekulelapitiya Watta in extent Six Nellies Kurakkan
20 sowing, Kekulelapitiyahena in extent Two Nellies kurakkan sowing, Kekulela-
pitiya Degalahe Hena in extent Two Nellies Kurakkan sowing, Bogaha-
mulahena in extent Six nellies kurakkan sowing, Kekulalapitiya Hena
in extent Twelve Nellies kurakkan sowing, Waralaggamawela Watta
in extent Two Amunams paddy sowing and which is also described
according to Plan No. 1504 made by Mr. S. S. Kandasamy, Licensed
Surveyor, Matale, as the land called Kekulallewatta in Extent Fourteen
Acres, One Rood, and Twenty Four Perches (14A. 1R. 24P) and
bounded on the East by Gansabawa Road and fields, South by fields,
West by fields and on the North by Foot Path, Dullewa Alut Walawwa
30 Tikiri Banda's land and Gansabawa Road, registered in the Matale
Land Registry Office N Volume 172, Folio 82 and held and possessed
by the said Donor upon Deed of Transfer No. 6196 dated 24th June,
1909 attested by F. A. Prins, Notary Public.

57. All that field called Gonnawa containing in extent Five Polas
paddy sowing situated at Daluwela aforesaid and bounded on the
East by Weilla, South by Dullewe Walawwe Kumbura, West by
Katuhena Watta and on the North by Aruma's field held and possessed by
the said Donor upon Deeds of Transfer Nos. 5188 dated 2nd August
1915 attested by H. D. Weerasekera, Notary Public, 10533 dated 6th

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

June, 1910, 10745 dated 8th August, 1910, 19265 dated 3rd April, 1917 attested by S. M. P. Wijayatillaka, Notary Public, 521 dated 9th July, 1932 attested by W. Gopallawa, Notary Public.

58. All that field called Hiruwelawela containing in extent Two pelas and Seven lahas paddy sowing situated at Dullewa aforesaid and bounded on the East by Dullewe Walawwe Kumbura and Ditch, South by Weilla or Imaniyara, West by Imaniyara of Karawgahamulapela and on the North by Dullewe Walawwe Kumbura held and possessed by the said Donor upon Deeds of Transfer Nos. 4803 dated 23rd September, 1911 attested by D. A. D. S. Wickremasinghe, Notary Public and 5778 dated 10th April 1916 attested by H D. Weerasekera, Notary Public. 10

59. All that field called Denikotuwe Kumbura containing in extent about Two pelas paddy sowing situated at Daluwela aforesaid and bounded on the East by Ela, South by Talgahagoda Walawwe Kumbura, West by Fence of Siyambalagaha Kumbura and on the North by limit of Wallige Kumbura held and possessed by the said Donor upon Deeds of Transfer Nos. 14027 dated 23rd January, 1913 attested by S. M. P. Wijayatillaka, Notary Public, 6378 dated 10th January, 1917 attested by H. D. Weerasekera, Notary Public and 2083 dated 24th February, 1921 attested by D. P. Senaraine, Notary Public. 20

60. All that field called Parawela Kumbura containing in extent One Pela Paddy sowing situated at Daluwela aforesaid and bounded on the East by Oya, South by Ela, West by limit of Dinturala's field, and on the North by the fields of Kiri Banda Arachchi and Tikira held and possessed by the said Donor upon Deeds of Transfer Nos. 10289 dated 4th April, 1910 and 14027 dated 23rd January, 1913 attested by S. M. P. Wijayatillaka, Notary Public.

61. All that field called Hiruwelawela Kumbura containing in extent about Eight lahas paddy sowing situated at Hiruwela in the Udasiya Pattu aforesaid and bounded on the East by Weilla, South by Imaniyara of Kattandiyage Kumbura, West and North by Imaniyara of Dullewe Walawwe Kumbura held and possessed by the said Donor upon Deeds of Transfer Nos. 11846 dated 8th June, 1911, 12331 dated 16th October, 1911 and 14310 dated 28th March, 1913 all attested by S. M. P. Wijayatillaka. Notary Public. 30

62. All that field called Waralakwela containing in extent about One Amunam, Three Pelas and Three Lahas Paddy sowing situated in the villagos of Waralaggama and Dullewa aforesaid and bounded on the East by Dewalewatta, South by Aluwiharewatta Kumbura, and Weralugahawatta Kumbura, West by Bandarapolwatta, and on the North by Weilla held and possessed by the said Donor upon Deeds of Transfer Nos. 6196 dated 24th June, 1909 attested by F. A Prins, Notary Public, 11556 dated 25th June, 1895 attested by U. B. Ekanayaka, Notary Public, 6835 dated 26th August, 1907 dated 13th September, 10 1909, 10066 dated 8th February, 1910 and 10431 dated 4th May, 1910 all attested by S. M. P. Wijayatillaka, Notary Public.

63. All that land called Thun Liyadda containing in extent Two pelas and Eight lahas paddy sowing situated at Talagahagoda aforesaid and bounded on the East by Pansala Kumbura South by Mut-tettuwa Kanata, West by Kirimetiya Kumbura, belonging to Berakaraya and on the North by Wedakarayalagewatta held and possessed by the said Donor upon Deed of Transfer No. 6196 dated 24th June, 1909 attested by F. A. Prins, Notary Public.

64. All that field called Rukagahamulawatta alias Bomaluwewatta 20 containing in extent about Two Acres situated at Etipola in the Udasiya Pattu of the Asgiri Koale aforesaid and bounded on the East by Mahawela Kumbura and Gonnewe Kumbura, South by Mahawela Kumbura, West and North by Village limit and Mahawela Kumbura held and possessed by the said Donor upon Deed of Transfer No. 21075 dated 20th July, 1918 attested by S. M. P. Wijayatilleke, Notary Public and by right of maternal inheritance.

65. All that field called Wadukumbura situated at Dullewa aforesaid containing in extent about One Pela paddy sowing and bounded on the East by Oya, South by Imaniyara of the field belonging to 30 Ratninde Walawwa, West by Gansabawa Road and on the North by Imaniyara of Muhandiramalage Kumbura held and possessed by the said Donor upon Deeds of Transfer Nos. 9185 dated 13th February, 1893 attested by U. B. Ekanayaka, Notary Public and 32991 dated 17th October, 1925 attested by S. M. P. Wijayatillaka, Notary Public.

66. An undivided Half (1/2) share of the field called Lindagawa Kumbura situated at Waralaggama aforesaid containing in extent about One pela paddy sowing and bounded on the East by limits of Weta-kegahamula Kumbura, Timbeliyadda and Lokuliyadda, South by limits

P I
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

of Temmettakkarayagewatta and Weralugahawatta, Wedakarayagewatta, West by Weilla and on the North by limit of Weralugahawatta Wedakarayage Kumbura held and possessed by the said Donor upon a Deed of Transfer which was not produced at the execution of these presents.

67. An undivided Half (1/2) share of the land called Dullewa Maha Walawwe Watta containing in extent about Four Acres situated at Dullewa aforesaid and bounded on the East by Dullewe Walawwe Kumbura Ima, South by Agala, West by Gamsabawa Road and on the North by Gamsabawa Road and fence of Beligahamula Watta 10 and held and possessed by the said Donor by right of paternal inheritance.

IN WITNESS WHEREOF the said DULLEWE MAHA WALAWWE-LOKU BANDAR DULLEWE RATE ADIGAR and NAVARATNE WICKREMASINGHE SAMARAKOON JAYATILAKA PANDITA MUDIYANSE RALAHAMILLAGE RICHARD DULLEWE, the DONOR and DONEE, respectively, do hereunto and to two others of the same tenor and date as these PRESENTS set their hands at MATALE on this TWENTY sixth day of May, ONE THOUSAND NINE HUNDRED and FORTY ONE. 20

WITNESSES:

Sgd. M. D. Banda
Sgd. A. Ramanayako

Sgd. L. B. Dullewe
Sgd. R. Dullewe
Sgd. J. L. Tamby Raja
Notary Public

I, John Lucius Pala Raja Tambyraja of Matale, Notary Public, do hereby certify and attest that the foregoing instrument having been duly read over and explained by me the said Notary to Dullewe Maha Walawwe Loku Bandar Dullewe Rate Adigar who has signed as "L.B. Dullewe" and to Navaratne Wickremasinghe Samarakoon Jayatilleke Pandita Mudiyanse Ralahamillage Richard Dullewe who has signed as 30 "R. Dullewe" both of whom are known to me in the presence of Karapperu Wijetunga Rajapakse Mudiyanse Lage Dingiri Banda of Alutgama in Asgiri Udasiya Pattu who has signed as "M. D. Banda" and Ramanayake Arachchilage Appuhamy Ramanayake of Udupihilla, Matale, who has signed as "A. Ramanayake" the subscribing witnesses hereto both of whom are known to me and the same was signed by the said Donor

and Donee and also by the said witnesses in my presence and in the presence of one another all being present at the same time on the TWENTY SIXTH day of MAY in the year ONE THOUSAND NINE HUNDRED AND FORTY ONE at Matale.

P 1
Deed No. 183
Attested by
J. L. P. R.
Tambyraja
Notary Public-
26. 5. 41
—Continued

And I further certify and attest that before the foregoing instrument was read over and explained as aforesaid in lines 2, 10 and 21 of page 1 of the Original, the letters "A, D" and "d" respectively were typed over, in lines 11, 18 and 24 the letters "T. S." and "those" respectively were deleted, in line 15 the letter "E" was deleted and the letter "w" interpolated, in lines 9, 12, 14, 19 and 31 of page 2 the letters "s. s. l. W" and "a" respectively were deleted, in line 10 the letter "E" was typed over, in lines 2, 11, 18, 23 and 34 of page 3 the letters "S, r, tta, Ded" and figure "8" respectively were deleted, in line 28 the letter "U" was deleted and the letter "Y" interpolated, in lines 9 and 10 of page 4 the letters "e" and "u" respectively were deleted, in line 11 the letter "m" was typed over, in lines 2, 30 and 37 of page 5 the letters "u, y" and "s" respectively were deleted, in line 26 the figure "2" was typed over, in line 34 the letter "i" was interpolated and, the letter "n" was typed over, in lines 13, 16, 17, and 34 of page 6 the letters "x, p, ahre, and "d" respectively were deleted, in line 18 the letter "t" was deleted and the letter "r" interpolated, in lines 4, 6, 18 and 25 of page 7 the letters "d, transfe, W, War8s" were deleted, in line 33 the letter "n" was typed over, in line 12 of page 8 the letter "u" was interpolated, in lines 9 and 15 of page 9 the letters "t. t" respectively and in line 24 the letter "t" and the word "division" were deleted, in lines 13, 15 and 28 of page 10 the letters "o, u, t" respectively were typed over, in lines 18 and 26 the letters "a, O" respectively and in line 25 the figure "5" were deleted, in line 9 of page 11 the word "lahas" was deleted and the word "pee as" interpolated, in lines 16 and 19 the letters "t. AAun" were deleted, in line 25 the letter "m" was typed over, in line 1 of page 12 the letter "n" was deleted, in line 25 the letter "e" was typed over, in line 2 of page 13 the letter "g" and the word "situated" and in lines 11 and 14 the letters "g, d" respectively were deleted, in line 13 the word "Western" was interpolated, in line 14 of page 14 the figure "3" was typed over, in lines 25 and 34 the letters "e, e" respectively were deleted, in line 11 of page 15 the word "by" and in line 32 the letter "k" were deleted, in line 11 of page 16 the letters "o" and "c" and in line 17 the letter "r" were deleted, in

P 1
 Deed No. 183
 Attested by
 J. L. P. R.
 Tambyraja
 Notary Public-
 26. 5. 41
 —Continued

line 18 the letter "c" was typed over, in line 21 the word "watta" was interpolated, in the numbering of page 17 the figure "8" was altered to figure "7", in line 3 of page 17 the word "at" was deleted, in line 16 the letters "b" and "m" were typed over, in line 35 the word "about" was interpolated, in lines 15, 25 and 27 of page 18 the letters "y, a, s" respectively were typed over, in line 18 the figure "I" was deleted, in line 37 the word "Daluwela" was deleted and the word "Dullewa" interpolated, in line 4 of page 19 the letter "D" and in line 29 the figure "1" were deleted, in lines 8 and 12 the letters "a, a" respectively were typed over, in line 34 the letter 10 "h" was interpolated and the letter "h" was deleted, in line 10 of page 20 the letters "la" in line 12 the fraction "1/2" in lines 16 and 25 the letters "w, i" respectively were deleted, in lines 10 and 21 of page 21 the letters "n, b" respectively and in line 16 the words "and on the North by Gamsabawa" were interpolated, in line 8 of page 1 of the Duplicate the letter "O" was typed over, in line 4 of page 2 the letter "t" in line 13 the letters "PRE" in line 24 the letters "s, s" were typed over, in line 10 the letter "O" was deleted, in line 27 of page 3 the letters "ahre" were deleted, in lines 28 and 34 the letters "b, e" were typed over, in line 11 of page 4 the letter "a" 20 was deleted, in line 15 of page 5 the letter "u" and in line 36 the word "share" was deleted, in line 1 of page 7 the letters "nad" in line 18 the letters "ha" in line 35 the figures "123" were deleted, in line 4 of page 9 "the asterisk" and letter "A" in lines 13 and 35 the letters "m" and "R" respectively were deleted, in line 13 of page 10 the letter "T" was deleted, and the letter "s" was typed over, in line 14 the letters "bl" in lines 15 and 22 the letters "t" and "a" respectively in line 26 the figure "2" in line 31 the letters "Wd" and in line 37 the letters "whcih" were deleted, in line 22 of page 11 the letters "Sotuh" and the word "by" in line 27 the 30 letter "j" respectively were deleted, in line 25 the letter "c" was typed over, in line 1 of page 12 the word "an" was deleted, in lines 5, 7 and 8 the letters "e, e, g" respectively in lines 11 and 17 the figures "9, 2" respectively were typed over, in line 7 and 9 of page 13 the letters "o, n" respectively in line 12 the figure "2" in line 25, 32 and 36 the letters "l, o, i" respectively were typed over, in line 24 the letter "o" in line 27 the letters "lim" were deleted, in line 29 the letter "a" was deleted and the letter "e" interpolated, in line 1 of page 14 the letters "th East" in line 8 the letters "da" were deleted in lines 2 and 19 the letters "t, t" respectively were 40

typed over, in lines 9, 24, 29 and 32 of page 15 the letters "t, y, P, i" respectively were typed over, in line 13 the word "Dullewa" and the letters "afre" were deleted, in lines 12, 17 and 27 the letters "a, k, n" were typed over. in lines 1 and 5 of page 17 the letters "i, T" were typed over, in line 6 the letter "s" was deleted and the letter "s" was interpolated, in line 13 the letters "Appu" in line 23 the figure "5" were deleted, in line 15 the letter "a" and in line 33 the word "about" were interpolated, in line 21 of page 19 the letter "s" was typed over, in line 28 the letters "Aluwho" were
 10 deleted, in the numbering of page 20 the figure "(2)" was deleted, in line 16 of page 20 the fraction "1/2" was altered to a "Fullstop" and the letter "A" was typed over, in line 6 of page 21 the letters "dd" were typed over and in line 11 the letters "These" were deleted and the Original of this Instrument bears One Stamp of the value of One Rupee and the Duplicate Eight Stamps of the value of Rupees Two Hundred and Twenty five (Rs. 225/-) which stamps were supplied by me.

P 1
 Deed No. 183
 Attested by
 J. L. P. R.
 Tambyraja
 Notary Public-
 26. 5. 41
 —Continued

Date of attestation :-

26th May, 1941.

20

Sgd. J. L. Tamby Raja.
Notary Public.

P 2

**Revocation of Gift No. 9048, Attested by H. D. E. Gunasekera,
 Notary Public.**

No. 9048.

P2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43

REVOCAATION OF A GIFT Rs 8000.00

I, Dullewe Mahawalawwe Loku Banda Dullewe Rate Adikaram of Dullewa in Udasiyapattu of Asgiri Korale in Matale South do hereby declare and say as follows:-

30 Upon the deed bearing No. 183 dated 26th May 1941 and attested by J. L. Thamby Rajah, Notary Public the premises described in the Schedule hereto being fifty three lands together with fourteen other lands all valued at Rs. 10,000.00 of lawful money of Ceylon had been

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43
 —Continued

donated granted and conveyed by way of Gift unto my son Nawarātne Wickremasinghe Samarakoon Jayatillaka Pandita Mudiyanse Ralahamillage Richard Dullewa in consideration of the love and affection which I had unto him.

And the said Richard Dullewe having died I am now desirous of revoking the donation in respect of the premises described in the Schedule hereto and valued at Rs. 8000.00 from and out of the aforesaid donation.

Therefore know all men by these presents that I the said Dullewe Mahawalawwe Loku Banda Dullewe Rate Adikaram in consideration of the said premises do hereby revoke cancel and annul the donation in respect of only the premises described in the Schedule hereto from and out of the premises donated upon the said Deed No. 183 unto the said Richard Dullewe. 10

Therefore by virtue of this revocation the said Richard Dullewe his heirs executors and administrators shall have no right title interest or claim from date hereof in respect of the premises described in the Schedule hereto from and out of the premises described in the said deed of Gift executed in favour of the said Richard Dullewe. And I do hereby cause the said premises to revert on me my heirs executors administrators and assigns to be dealt with at my will and pleasure as if the said premises had never been donated. 20

And I do hereby declare that I have the legal right and proper title to act in this manner and that prior to this no act whatsoever has been done by me contrary to this.

And I for myself my heirs executors and administrators do hereby further declare that by reason of this revocation there shall be no hindrance or objection for the children and heirs of the said Richard Dullewe to deal with the remaining properties named in the said deed of Gift in terms of the said deed of Gift. 30

THE SCHEDULE ABOVE REFERRED TO:

1. An undivided one sixth share from and out of all that land and of the trees plantations and everything appertaining thereto called Kehelwattehena of about two Acres in extent situate at Talgahagoda in Udasiyapattu of Asgiri Korale in Matale South in the Central

Province and bounded on the East by the galpila, on the south by the fence of the hena belonging to Basnayake Nilame, on the West by the mala ela and on the north by the limit of Pansalehena.

P 2
Revocation of
Gift, No. 9048,
attested by
H. D. E. Guna-
sekera
Notary Public
26. 10. 43

2. An undivided one sixth share from and out of all that land and of the trees plantations and everything appertaining thereto called Pallewatta of about six Acres in extent situate at Daluwela in the aforesaid Pattu and bounded on the east by the ela and the fence of Koralegederawatta, on the south by the galheeriya of Phillalanda, on the West by the ela and the fence of Aluwiharewalawwewatta
10 and on the north by the fence of Siyambala Ununuwekumbura and the maha ela.

—Continued

3. An undivided one half share from and out of all that field and of everything appertaining thereto called Hewankumbura of six labas paddy sowing in extent situate at Dullewe in the aforesaid Pattu and bounded on the east by Owillegederakumbura and Pansalekumbura, on the south by Owillegederakumbura and Paragoda-gederakumbura, on the west by the oya and on the north by Baddegederakumbura.

4. An undivided one twelfth share from and out of all that
20 land and of everything appertaining thereto called Kehelwattehena of about two Acres in extent situate at Talgahagoda aforesaid and bounded on the east by the galpila, on the south by the fence of the hena belonging to the Basnayake Nilame, on the west by the mala ela and on the north by the limit of Pansalehena.

5. An undivided one twelfth share from and out of all that land and of the trees plantations and everything appertaining thereto called pallewatte of about six Acres in extent situate at Daluwela aforesaid and bounded on the east by the ela and the fence of Koralegederawatte, on the south by the galheeriya of Pihillalanda, on
30 the west by the ela and the fence of Aluwiharewalawwewatta and on the north by the fence of Siyambala Ununuwekumbura and the maha ela.

6. An undivided one twelfth share from and out of all that field and of everything appertaining thereto called Siyambala Ununuwa of three pelas paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by the fence of Parawalakumbura, on the

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43
 —Continued

south by the fence of Aluviharawalawwewatta, on the west by the fence of Yaddessalayekumbura and the fence of Edurudenakumbura, and on the north by the limitary ridge of Udawalawwekumbura.

7. An undivided one twelfth share from and out of all that field and of everything appertaining thereto called Waralakwela Makulamulakumbura of one pela paddy sowing in extent situate at Dullewe aforesaid and bounded on the east by the elawella, on the south by Manniyara or the Gansabawa road, on the west by the ela and on the north by the limitary ridge of Yatawattegederakumbura.

8. An undivided one sixth share from and out of the remaining. 10 field and of everything appertaining thereto excluding the portion towards the middle called Medapela of one pela paddy sowing in extent from and out of all that field called Siyambala Ununuwa of three pelas paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by the fence of Parawala Pillewa, on the south by the fence of the land belonging to Loku Banda Registrar, on the west by the fence of Edurudenakumbura and on the north by the limitary ridge of Pinkumbura

9. An undivided one half share from and out of all that field and of everything appertaining thereto called Hewankumbura of 20 eight lahas paddy sowing in extent situate at Etipola in the aforesaid Pattu and bounded on the east by the limitary ridge of Pansalekumbura and the limitary ridge of Owillegederakumbura, on the south by the limitary ridge of Paragodagederakumbura, on the west by the oya and on the north by the limitary ridge of Baddegederakumbura.

10. An undivided one half share from and out of all that field and of everything appertaining thereto called Dalupothe Lindalanga-hayalaha of six lahas paddy sowing in extent situate at Dullewe aforesaid and bounded on the east by Pahalagederawatta and Lindapitiywatta, on the south by the limit of the field belonging to 0 Dullewe Korale, on the west by Gallenamullegederakumbura and the limit of the field belonging to Ihalawalawwe Banda and on the North by the limit of Ihalawalawwe Banda's field.

11. All that allotment of land called Hewankumbura Pillewa of about one Nellie kurakkan sowing in extent situate at Dullewe aforesaid and bounded on the east by the fence of Basnayaka Nilame's land, on the south by the fence of Hewankumburapillawa belonging to Pinchi Banda and others, on the west by the bank of the field and on the north by the fence together with the trees plantations houses and everything appertaining thereto.

12. All that contiguous allotment of high and low land comprising Wadukumbura of six lahas paddy sowing in extent and the adjoining Pillewa of one nellie kurakkan sowing in extent situate at Dullewa aforesaid and together bounded on the east and south by the liminary ridge of the field belonging to Aluvihare Udawalawwa, on the west by the fence of the garden belonging to Gonnewe Punchi Appuhamy and on the north by the liminary ridge of the field belonging to Ratninde Walawwa together with everything appertaining thereto.

P 2
Revocation of
Gift, No. 9048,
attested by
H. D. E. Guna-
sekera
Notary Public
26. 10. 43
—Continued

10 13. An undivided one twentieth share from and out of all that field and of everything appertaining thereto called Oyekumbura of two pelas paddy sowing or one and sixty seven upon one hundred Acres in extent situate at Dullewa aforesaid and bounded on the east by the field belonging to Seerala and Appuhamy, on the south by the Oya, on the west by the limits of the fields belonging to Ratninde Banda and two others and on the north by the field belonging to Palingu Menika, Punchi Banda and Wattedgedera Seerala.

20 14. All that allotment of land called Kehelkotuwa of six nellies kurakkan sowing in extent situate at Naldena in the aforesaid Pattu and bounded on the east by the Galenda of Kiriya's garden, on the south by the stone fence of Wedakarayagewatta, on the west by the galenda of Kandehena and on the north by Hencela belonging to Bodha together with the trees plantations and everything appertaining thereto.

30 15. An undivided one half share from and out of all that land and of the trees plantations and everything appertaining thereto called Keenagahamulawatta of twenty nellies kurakkan sowing in extent situate at Dorakumbura in the aforesaid Pattu and bounded on the east by the fence of Walawwewatta, on the south by the fence of Walawwewatta and of Tanahena, on the west by the stone fence of Ihalawatta and on the north by the ela.

16. Undivided two eighth shares from and out of all that land and of the trees plantations and everything appertaining thereto called Ihalakandehena of twenty nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the wella, on the south by the limit of Samadara's hena, on the west by the galpila and on the north by the limit of Tikira's hena.

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43
 --Continued

17. An undivided one half share from and out of all that land and of the trees plantations and everything appertaining thereto called Kehelwerellehena of five labas kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the galdetta, on the south by Galkandeela, on the west by the galdetta of the field belonging to Warisa and on the north by the limit of Dullandehena.

18. All that allotment of land called Kitulamulahena of two acres and two roods in extent situate at Dullewa aforesaid and bounded on the east by the limit of Sinna Lebbe's land and the fence of Rannaide's hena, on the south by the mala ela of Walawwehena, on the west by the fence of Rannaide's garden and on the north by the fence of the garden belonging to Periyasamy together with the trees plantations and everything appertaining thereto. 10.

19. An undivided one third share from and out of all that land and of the trees plantations and everything appertaining thereto called Berawakande Galkotuwa of five nellies kurakkan sowing in extent situate at Alakolaanga in Dullewa aforesaid and bounded on the east by the rock and on the south, west and north by land belonging to Periyasamy.

20. An undivided one third share from and out of all that land and of the trees plantations and everything appertaining thereto called Attkkagahamulahena of five nellies kurakkan sowing in extent situate at Alakolaanga aforesaid and bounded on the east, south and west by land belonging to Periyasamy and on the north by lands belonging to Periyasamy and Sandana. 20.

21. All that allotment of field called Ambamullekumbura of three pelas paddy sowing or one acre three roods and eighteen perches in extent situate at Beligamuwa in Kandapalla Korale in Matale North and bounded on the east by the oya, on the south by the liminary ridge of Tingolokumbura on the west by the wetaroda of Ambamulla and on the north by the liminary ridge of the field belonging to Ehelepolawalawwa together with everything appertaining thereto. 30.

22. All that allotment of field called Koholanekumbura of three pelas paddy sowing or one acre and three roods in extent situate at Beligamuwa aforesaid and bounded on the east by the wetaroda of Medalanda, on the south by the liminary ridge of Dehimullekumbura, on the west by the fence of pihillawa and on the north by the liminary ridge of Panwiladewayas field together with everything appertaining thereto.

23. All that allotment of field called Dehimullekumbura of three pelas paddy sowing or one acre and three roods in extent situate at Beligamuwa aforesaid and bounded on the east by the wetaroda of medalanda, on the south by Makulgaskotuwa, on the west by the pillewa belonging to the Walawwa and on the north by the liminary ridge of Koholanekumbura together with everything appertaining thereto.

P 2
Revocation of
Gift, No. 9048,
attested by
H. D. E. Guna-
sekera
Notary Public
26. 10. 43
—Continued

24. All that allotment of land being Lot Q 145 A. in T. P 123457 containing nine acres two roods and ten perches out of the land called Moragollehena situate at Dullewa aforesaid and bounded on the east 10 by land described in Plan No. 123471, on the south by land described in Plan No. 123471 and a water course, on the south west by a road and on all other sides by land said to belong to the Crown together with everything appertaining thereto.

25. An undivided one fourth share from and out of all that field called Siyambalaanuwa of one pela paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by Deniyekotuwa, on the south by the limit of the field belonging to Talgahagodawalawwa, on the west by the limit of Punchi Appuhamy's field and on the north by the limit of the field of Meddegedara Banda together with everything 20 appertaining thereto.

26. One third share from and out of all that contiguous high and low land comprising the western half share in extent eight lahas paddy sowing from and out of the field called Gederawekekumbura of sixteen lahas paddy sowing in extent and the adjoining pillewa of one chundu kurakkan sowing in extent situate at Daluwela aforesaid and together bounded on the east by the limit of the remaining portion of this field, on the south by the limit of Alutgamarala's aramba, on the west by the limit of Udagedera kumbura and of the pillewa and on the north by Hinnepitiya together with everything appertaining 30 thereto.

27. An undivided one third share from and out of all that contiguous allotment of fields comprising the eastern half share in extent six lahas paddy sowing from and out of Gederawela of twelve lahas paddy sowing in extent and the adjoining Gederawela kumbura of one pela paddy sowing in extent situate at Daluwela aforesaid and together bounded on the east by Udagederakumbura, on the south by the elawella, on the west by the limit of the remaining portion and on the north by Hinnepitiya together with everything appertaining thereto.

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43
 —Continued

28. An undivided one third share from and out of all that field called Siyambalaulumuwekumbura of twelve lahas paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by the limit of Heratgederakumbura, on the south by the limit of the Registrar's field, on the west by the limit of Pepole Priest's field and on the north by the limit of the field belonging to Talgahagoda-walawwa together with everything appertaining thereto.

29. All that contiguous allotment of high and low lands comprising Keramiyekumbura of two pelas and five lahas paddy sowing in extent and the adjoining Welewattegederawatta of eight nellies kurakkan sowing 10 in extent situate at Daluwela aforesaid and together bounded on the east by the limit of Walligekumbura, on the south by the limit of the field and of the garden belonging to Talgahagoda Ratemahatmaya, on the west by the limit of Hingurumaldenakumbura and on the north by the fence of Andenamullepillewa and the limit of Koralegedera Kalu Banda's field together with the house standing thereon and everything appertaining thereto.

30. All that contiguous allotment of land comprising Welkotuwa and Arambeliyadda together containing three pelas paddy sowing in extent situate at Talgahagoda aforesaid and bounded on the east by 20 the fence of Panikkiyalayekumbura, on the south by the ela, on the west by the fence of Nawatekumbura and the ela and on the north by the fence of Polwatta together with everything appertaining thereto.

31. All that allotment of field called Dalupathekumbura of eight lahas paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the limit of Kamarapitiyewatta, on the south by the bank and the limit of Imbilandandegedera Kanatiwela, on the west by Siwrala's field and on the north by fence of Dambagahamulakumbura together with everything appertaining thereto.

32. All that allotment of field called Dalupotakumbura of two pelas 30 paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the limit of Pinchi Banda's field, on the south by the limitary ridge of Walawwekumbura, on the west by the limit of Appuhamy's field and the oya and on the north by the limit of Wattedederakumbura together with everything appertaining thereto.

33. An undivided portion in extent one timba paddy sowing towards the east or undivided four fourteenth shares from and out of all that field called Dalupathekumbura of fourteen lahas paddy sowing in extent

situate at Dullewa aforesaid and bounded on the east by Kamatewatta, on the south by Wattedederakumbura, on the west by the limit of Asweddumliyadda belonging to Dingiri Banda and on the north by the field belonging to Dingiri Menika together with everything appertaining thereto.

P 2
Revocation of
Gift, No. 9048,
attested by
H. D. E. Guna-
sekera
Notary Public
26. 10. 43
—Continued

34. An undivided one half share from and out of all that field and of everything appertaining thereto called Dalupotheaswedduma of one seer kurakkan sowing or one timba paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the two kitul trees forming the boundary of Kamarapitiya, on the south by the limit of Nekatgederakumbura and on the west and north by the limit of the field belonging to Talgahagoda Pansala.

35. An undivided one half share from and out of all that land and of everything appertaining thereto called Kamarapitihena of about three seers Kurakkan sowing in extent situate at Dullewa aforesaid and bounded on the east by the road, on the south by the fence of Pansalawatta, on the west by the wella and on the north by the fence of Appuhamy's hena.

36. All that field called Asweddumekumbura of one timba paddy sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the liminary ridge of Koholana, on the south by the liminary ridge of the field belonging to Ran Menika, on the west by mala ela and on the north by the liminary ridge of the field belonging to Kudarala together with everything appertaining thereto.

37. An undivided one eighth share from and out of all that land called Andawalagederawatta of eight seers kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the stone fence of Walawwekumbura, on the south by the fence of Yatawaragederawatta, on the west by the fence of Ihalawatta and on the north by the fence of Walawwewatta together with the two rooms towards the north out of the houses standing thereon.

38. An undivided one fourth share from and out of all that land called Keenagahumulawatta of twenty nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the fence of Walawwewatta, on the south by the fence of Walawwewatta and Tanahena, on the west by the stone fence of Ihalawatta and on the north by the ela together with everything appertaining thereto.

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43

—Continued

39. An undivided one fourth share from and out of all that land and of everything appertaining thereto called Tanahena of six nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by Walawewatta and Heenagahamulawatta, on the south by the fence of Yatawaragederawatta, on the west by the fence of Walawwehena and on the north by the fence of Keenagahamullawatta.

40. An undivided one fourth share from and out of all that land and of everything appertaining thereto called Bogahamulahena of fourteen nellies kurakkan sowing in extent situate at Dorakumbura 10 aforesaid and bounded on the east by the fence of Tanahena, on the south by the limit of the remaining portion belonging to the Walawwa, on the west by Belungala and on the north by the limit of Ihalawatta.

41. An undivided one eighth share from and out of all that land and of everything appertaining thereto called Ihalawatta of sixteen nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the stone fence of Keenagahamulawatta, on the south by the limits of Bogahamulahena, on the west by the stone fence of Yakaduragewatta and on the north by Galkandeela.

42. An undivided one eighth share from and out of all that land 20 and of everything appertaining thereto called Ihalakandehena of twenty nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the wella, on the south by the limit of Samandara's hena, on the west by galpila and on the north by the limit of Tikira's hena.

43. All that allotment of field called Siwalbokkekumbura alias Hapugahadalupotha of one amunam and five lahas paddy sowing in extent situate at Waralakgama in the aforesaid Pattu and bounded on the east by Kandapallewatta and Hambamkarayewatta, on the south by Kiri Ukkuwa's field, on the west by the Gansabawa Road 30 or the wella and on the north by the wella and Dewalewatta together with everything appertaining thereto.

44. All that allotment of field called Waralakwela of one pela and two lahas paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the ela. On the south by the limit of Talgahagodawalawwa, on the west by Arachchi Appuge Watteyaya and on the north by Dullewewalawwekumbura together with everything appertaining thereto.

45. An undivided portion in extent four acres towards the south together with the trees and plantations thereon (or undivided five eighteenth shares of the entirety) from and out of all that contiguous allotment of land comprising,

(a) Kekulelapitya Bandarapolwatta of about fourteen acres in extent situate at Dullewa and Talgahagoda aforesaid and bounded on the east by the fences of Waralakwela and of Welkotuwa, on the south by the fences of Arambeliyadda and of Wetakepothakumbura, on the west by the fence of Wetakepothakumbura and the limit of the remaining portion of Ridigama Vidane's land and on the north by the fence of Owillegederahena and the footpath leading to Sathkorale.

10

(b) Kekulallepitiya of five nellies kurakkan sowing in extent. Kekulallepitiyewatta of six nellies kurakkan sowing in extent. Kekulallepitiyehena of two nellies kurakkan sowing in extent. Kekulallepitiyedegalahena of two nellies kurakkan sowing in extent.

Boghamulahena of six nellies kurakkan sowing in extent. Kekulallepitiyehena of twelve nellies kurakkan sowing in extent.

20 Waralakgamawelewatta of two amunams paddy sowing in extent all adjoining one another forming one land and according to the Plan bearing No. 1504 made by S. S. Kandasamy, Licensed Surveyor, called Kekullallewatta bounded on the east by the gansabawa road and the fields, on the south by the fields, on the west by the fields and on the north by the footpath, Dullewe Aluthwalawwe Tikiri Banda's land and the gansabawa road containing fourteen acres one rood and twenty four perches in extent within the said boundaries excluding the tiled roofed house standing thereon.

30 46. All that allotment of field called Denikotuwekumbura of about two pelas paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by the ela, on the south by Talgahagoda-walawwe field, on the west by the fence of Siyambalagahakumbura and on the north by the limit of Walligekumbura together with everything appertaining thereto.

47. All that allotment of field called Parawalakumbura of one pela paddy sowing in extent situate at Daluwela aforesaid and bounded on the east by the oya, on the south by the ela, on the west by the limit of Dinturala's field and on the north by the fields belonging to Kiri Banda Arachchi and Tikira together with everything appertaining thereto.

40 48. All that allotment of field called Waralakwela of one amunam three pelas and three lahas paddy sowing in extent situate at Waralakgama and Dullewa aforesaid and bounded on the east by Dewalawatta, on the south by Aluviharewattakumbura and Weralugahawattakumbura, on the west by Bandara Polwatta and on the north by the wella together with everything appertaining thereto.

P 2
Revocation of
Gift, No. 9048,
attested by
H. D. E. Guna-
sekera
Notary Public
26. 10. 43
—Continued

P 2
 Revocation of
 Gift, No. 9048,
 attested by
 H. D. E. Guna-
 sekera
 Notary Public
 26. 10. 43
 —Continued

49. All that allotment of land called Tunliyadda of two pelas and eight lahas paddy sowing in extent situate at Talgahagoda aforesaid and bounded on the east by Pansalakumbura, on the south by Muttettuwekanata on the west by Kirimetiya-kumbura belonging to Berakaraya and on the north by Vedakarayalagewatta together with everything appertaining thereto.

50. All that allotment of field called Rukgahamulawatta alias Bomaluwewatta of about two acres in extent situate at Etipola aforesaid and bounded on the east by Mahawelakumbura and Gonbewekumbura, on the south by Mahawelakumbura and on the west and north by the village limit and Mahawelakumbura together with everything appertaining thereto. 10

51. All that allotment of field called Wadukumbura of about one pela paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the Oya, on the south by the limitary ridge of the field belonging to Ratnindewalawwa, on the west by Gansabawa road and on the north by the limitary ridge of Muhandiramalage-kumbura together with everything appertaining thereto.

52. An undivided one half share from and out of all that field and of everything appertaining thereto called Lindagawakumbura of about one pela paddy sowing in extent situate at Waralakgama aforesaid and bounded on the east by the limits of Wetakegahamulakumbura Timbeliyadda and Lokuliyaddekumbura, on the south by the limits of Tammettakarayagewatta and of Weralugaha watta and of Wedakarayagewatta, on the west by the wella and on the north by the limit of Weralugahawatta Dedakarayagekumbura. 20

53. An undivided one half share from and out of all that land and of everything appertaining thereto called Dullewemahawalawwewatta of about four acres in extent situate at Dullewa aforesaid and bounded on the east by the limit of Dullewewalawwekumbura, on the south by the ditch, on the west by the Gansabawa road and on the north by the gansabawa road and the fence of Beligahamulawatta. 30

In witness whereof I the said Dullewe Mahawalawwe Loku Bandar Dullewe Rate Adikaram have hereunto and to two others of the same tenor and date as these presents set my hand at Dullewa in Matale on the 26th day of October 1943.

Sgd. L. B. Dullewe

Witnesses:-

Sgd. T. B. Dullewe.
 Sgd. Ran Banda.

Sgd. H. D. E. Gunasekera
Notary Public.

40

Translated by-

Sgd
 S. T., D. C., Kandy.

**Deed of Gift No. 9049 attested by
H. D. E. Gunasekera, Notary Public**

No: 9049.

P 3
Deed of Gift
No. 9049, attes-
ted by H. D. E.
Gunsekera
Notary Public
26. 10. 43

DEED OF GIFT.

Rs. 10,000.00

KNOW ALL MEN BY THESE PRESENTS THAT I, Dullewe Maha Walawwe Loku Bandar Dullewe Rate Adikaram of Dullewe in Asgiri Udasiyapattu of Matale South with the object of obtaining all necessary assistance and succours during my life time and of getting
 10 the customary and Buddhistic religious rights and ceremonies performed after my death through my beloved son Dullewe Maha Walawwe Tikiri Bandar Dullewe also of Dullewe aforesaid do hereby donate grant and convey the premises described in the schedule hereto and held by me free of dispute under and by virtue of the deed of Revocation bearing No. 9048 of this date attested by H. D. E. Gunasekera Notary Public and valued at Rs. 10,000.00 of lawful money of Ceylon by way of Gift unto the said Dullewe Maha Walawwe Tikiri Bandar Dullewe.

Therefore I do hereby assign the sole authority unto the said
 20 Donee his heirs executors administrators and assigns to hold and possess the said premises hereby donated and conveyed together with all the right title and interest thereto of me the Donor from date hereof for ever free of dispute all to deal with the same at will and pleasure.

And I do hereby declare that prior to this no act whatsoever has been done to cause the said premises or any part thereof or any produce or profits thereof to be alienated.

And I the said Donor for myself my heirs, executors, and administrators do hereby further covenant with the Donee and his aforesaid to assure this donation in every way and to warrant and defend in
 30 any dispute that may arise against this and in the event of any further acts or deeds being found necessary and expedient for better and more effectually assuring the said premises to make and to execute such acts and deeds.

And I the said Dullewe Maha Walawwe Tikiri Bandar Dullewe by affixing my signature hereunto do hereby thankfully and with due difference and affection accept the foregoing donation on the condition of rendering assistance and succour to the Donor my father as aforesaid.

P 3
Deed of Gift
No. 9049, attes-
ted by H. D. E.
Gunsekera
Notary Public
26. 10. 43
—Continued

The Schedule referred to above:—

1. An undivided one-sixth share from and out of all that land and of everything appertaining thereto called Kehelwattēhena of about two acres in extent situate at Talgahagoda in Asgiri Udasiyapattu of Matale South in the Central Province and bounded on the East by the Galpila on the south by the fence of the hēna belonging to the Basnayake Nilame on the West by the Mala Ela and on the North by the limit of Pansalēhēna.
2. An undivided one-sixth share from and out of all that land and of everything appertaining thereto called Pallewatte of about six 10 acres in extent situate at Daluwela in aforesaid Pattu and bounded on the East by the Ela and the fence of Koralegederawatta on the South by the Galheeriya of Pihilalanda, on the West by the Ela and the fence of Aluvihare Walawwewatta and on the North by the fence of Siyambalaunumuwe Kumbura and the Maha ela.
3. An undivided one half share from and out of all that field and of everything appertaining thereto called Havenkumbura of six lahas paddy sowing in extent situate at Dullewa in aforesaid Pattu and bounded on the East by Ovillegederakumbura and Pansala Kumbura on the south by Ovillegedera Kumbura and Paragodagedera Kumbura 20 on the West by the Oya and on the North by Baddegedera Kumbura.
4. An undivided one twelfth share from and out of all that land and of everything appertaining thereto called Kehelwattēhena of about two acres in extent situate at Talgahagoda aforesaid and bounded on the East by the Galpila on the South by the fence of the hēna belonging to the Basnayake Nilame on the West by the Mala Ela and on the limit of Pansalēhēna.
5. An undivided one-twelfth share from and out of all that land and of the plantations and everything appertaining thereto called Pallewatte of about six acres in extent situate at Daluwela aforesaid 30 and bounded on the East by the ela and the fence of Korale Gederawatta on the South by the Galheeriya of Pihillalanda on the West by the ela and the fence of Aluvihare Walawwe Watta and on the North by the fence of Siyambalaunumuwe Kumbura and the Maha Ela.
6. An undivided one twelfth share from and out of all that field called and of everything appertaining thereto called Waralakwela Makulamula Kumbura of one pela paddy sowing in extent situate at

Dullewa aforesaid and bounded on the east by the Ela Weilla on the South by the Manniyara or the Gansabawa Road on the west by the ela and on the north by the liminary ridge of Yatawattegedera Kumbura.

P. 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43

—Continued

7. An undivided one half share from and out of all that field and of everything appertaining thereto called Awankumbura of eight lahas paddy sowing in extent situate at Etipola in the aforesaid Pattu and bounded on the east by the liminary ridge of Pansalekumbura and the liminary ridge of Owillegedera Kumbura on the south by the liminary ridge of Paragodagedera Kumbura on the west by the Oya
10 and on the North by the liminary ridge of Baddegedera Kumbura.

8. An undivided one half share from and out of all that field and of everything appertaining thereto called Dalupothe Lindalanga Hayalaha of six lahas paddy sowing in extent situate at Dullewa aforesaid and bounded on the east by the Pahalagederawatta and Londapitiyewatta on the south by the limit of the field belonging to Dullewe Korale on the west by Gallenamullegedera Kumbura and the limit of the field belonging to Ihalawalawwe Banda and on the North by the limit of Ihalawalawwe Banda's field.

9. All that allotment of land called Hewankumburepillawa of about
20 one nelli kurakkan sowing in extent situate at Kekulalle in Dullewe aforesaid and bounded on the east by the fence of the land belonging to the Basnayake Nilame on the south by the fence of Hewankumburepillewa belonging to Pinchi Banda and others on the west by the bank of the field and on the north by the fence together with the trees plantations and houses appertaining thereto.

10. All that allotment of high and low land called Wadukumbura of six lahas paddy sowing in extent situate at Dullewa aforesaid and the adjoining Pillewa of one nellie kurakkan sowing in extent together
30 bounded on the east and south by the liminary ridge of the field belonging to Aluvihare Udawalawwe on the west by the fence of the land belonging to Gonnawe Punchi Appuhamy and on the north by the liminary ridge of the field belonging to Ratneindewalawwe together with everything appertaining thereto.

11. An undivided one twentieth share from and out of all that field and of everything appertaining thereto called Oyekumbura of two pelas paddy sowing or one and sixty seven upon one hundred acres

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43
—Continued

in extent situate at Dullewa aforesaid and bounded on the East by the field belonging to Seerala and Appuhamy on the south by the Oya on the west by the limits of the fields belonging to Ratninde Banda and two others and on the north by the field belonging to Palingu Menika Punchi Banda and Wattegedera Seerala.

12. All that allotment of land called Kehelkotuwa of six nellies kurakkan sowing in extent situate at Naldena in the aforesaid Pattu and bounded on the east by the Galande of Kiriya's garden on the south by the stone fence of Wedakaraya's garden on the West by the Galenda of Kandehena and on the north by the ela of the hena belong- 10
ing to Boda together with the plantations and everything appertaining thereto.

13. An undivided one half share from and out of all that land and of the plantations and of everything appertaining thereto called Keenagahamulawatta of twenty nellies kurakkan sowing in extent situate at Dorakumbura in the aforesaid Pattu and bounded on the east by the fence of Walawwe Watta on the South by the fence of Walawwewatta and of Tanahena on the west by the stone fence of Ihalawatte and on the north by the ela.

14. Undivided two eighth shares from and out of all that land and of 20
the plantations and everything appertaining thereto called Ihalakandehena of twenty nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the east by the Weilla on the South by the limit of Samadara's hena on the West by the Galpila and on the North by the limit of Tikira's hena.

15. An undivided one-half share from and out of all that land and of everything appertaining thereto called Kehelwerellehena of five lahas kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the Galdetta on the South by Kalkande Ela on the West by the Galdetta of the field belonging to Warisa and on 30
the North by the limit of Dullandehena.

16. All that land called Kitulamulahena of two acres and two roods in extent situate at Dullewa aforesaid and bounded on the East by the limit of Sinne Lebbe's land and the fence of Rannaide's hena on the South by the Mala Ela of Walawwe hena on the West by the fence of Rannaide's garden on the North by the fence of the garden belonging to Periyaswamy together with the plantations and everything appertaining thereto.

17. An undivided one-third share from and out of all that land and of everything appertaining thereto called Berawakande Galkotuwa of five nellies kurakkan sowing in extent situate at Alakolaange in Dullewa aforesaid and bounded on the East by the rock and on the South and West and North by the land belonging to Periyasamy.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43

—Continued

18. An undivided one-third share from and out of all that land and of everything appertaining thereto called Attikkagahamulahena of five nellies kurakkan sowing in extent situate at Alakolaange aforesaid and bounded on the East, South and West by land belonging to Periyaswamy and on the North by lands belonging to Periyaswamy and Sandanam.

19. All that allotment being Lot Q 145A in T. P. 123457 from and out of the land called Moragollehena situate at Dullewa aforesaid which said Lot Q 145A contains 9 acres 2 roods and 10 perches in extent and is bounded on the East by land described in plan No. 123471 on the South by lands described in plan No. 123471 and a water course on the South-West by a Road and on all other sides by land said to belong to the Crown together with everything appertaining thereto.

20. An undivided one-third share from and out of all that contiguous high and low lands comprising the Western half share in extent eight lahas paddy sowing out of the field called Gedarawela-kumbura of sixteen Lahas paddy sowing in extent and the adjoining Pillewa of one chundu kurakkan sowing in extent situate at Daluwela aforesaid together bounded on the East by the limit of the remaining portion of this field on the South by the limit of Alutgamarala's aramba on the West by the Limits of Udagederakumbura and of the Pillewa and on the North by Hinnepitiya.

21. An undivided one-third share from and out of all that contiguous allotment of field comprising Eastern half share in extent six lahas paddy sowing out of the field called Gedarawela of twelve lahas paddy sowing in extent and Gederawelekumbura of one pela paddy sowing in extent adjoining each other situate at Daluwela aforesaid and together bounded on the East by Udagedera kumbura on the South by the Ela weilla on the West by the Limit of the remaining portion and on the North by Hinnepitiya.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43
—Continued

22. All that contiguous allotment of high and low land comprising the field called Kerameeyekumbura of two pelas and five lahas paddy sowing in extent and the garden called Welewattedegederawatta of eight nellies kurakkan sowing in extent adjoining each other situate at Daluwela aforesaid and together bounded on the East by the limit of Wallige kumbura on the South by the limits of the field and garden belonging to Thalghagoda Rate Mahatmaya on the West by the limit of Hingumaldene kumbura and on the North by the fence of Andenemulle Pillewa and the limit of Koralegedera Kalu Banda's field together with the house standing thereon and everything apper- 10
taining thereto.

23. All that allotment of land called Welkotuwa and Arambe Liyadda together containing three pelas paddy sowing in extent situate at Thalghagoda aforesaid and bounded on the East by the fence of Panikkiyalaye kumbura and the fence of Welkotuwe gedera watta on the South by the Ela on the West by the fence of Nawathekumbura and the Ela and on the North by the fence of Polwatta together with everything appertaining thereto.

24. All that allotment of field called Dalupothekumbura of eight lahas paddy sowing in extent situate at Dullewa aforesaid and bounded 20
on the East by the limit of Kamarapitiye watta on the South by the bank of the limit of Imbulandandegedera Kanatiwala on the West by Sivurala's field and on the North by the fence of Damagahamulakumbura.

25. All that field called Dalupothakumbura of two pelas paddy sowing in extent situate at Dullewa aforesaid and bounded on the East by the limit of Pinchi Banda's field on the South by the limitary ridge of Walawwe kumbura on the West by the limit of Appuhamy's field and the Oya and on the North by the limit of watte gedera kumbura. 30

26. An undivided pertion towards the East in extent one timba paddy sowing or undivided fourteenth shares from and out of all that field called Dalupothekumbura of fourteen lahas paddy sowing in extent situate at Dullewa aforesaid and bounded on the East by Kamathewatte on the South by Wattedegederakumbura on the West by the limit of Asweddume Liyadda belonging to Dingiri Banda and on the North by the field belonging to Dingiri Menika.

27. An undivided one-half share from and out of all that field called Dalupothe Aswedduma of one seer kurakkan sowing or one timba paddy sowing in extent situate at Dullewa aforesaid and bounded on the East by the two Kitul trees forming the boundary of Kamarapitiya on the South by the limit of Nekethgedara kumbura and on the West and North by the limit of the field belonging to Thalгахagoda Pansala.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43

—Continued

10 28. An undivided one-half share from and out of all that land and of everything appertaining thereto called Kamarapitiyehena of about seer kurakkan sowing in extent situate at Dullewa aforesaid and bounded on the East by the Road on the South by the fence of Pansala watta on the West by the Weilla and on the North by the fence of Appuhamy's hena.

29. An undivided one-eighth share from and out of all that land called Andawalagederawatta of eight seers kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the stone fence of Walawwekumbura on the South by the fence of Yatawaragederawatta on the West by the fence of Ihalawatta and on the North by the fence of Walawwe watta together with two
20 rooms towards the North out of the houses standing thereon.

30. An undivided one-fourth share from and out of all that land called Keenagahamulawatta of twenty nellies Kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the fence of Walawwe watta on the South by the fence of Walawwe watta and Tanahena on the West by the stone fence of Ihalawatta and on the North by the Ela.

31. An undivided one-fourth share from and out of all that land and of everything appertaining thereto called Tanahena of six nellies kurakkan sowing in extent situate at Dorakumbura aforesaid bounded
30 on the East by Walawwe watta and Keenagahamulawatta on the South by the fence of Yatawaragederawatta on the West by the fence of Walawwe hena and on the North by the fence of Keenagahamulawatta.

32. All that field called Asweddumekumbura of one timba paddy sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the liminary ridge of Kolane on the South by the liminary ridge of the field belonging to Ram Menika on the West by the Mala Ela and on the North by the liminary ridge of the field belonging to Kudarala.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43
—Continued

33. An undivided one-fourth share from and out of all that land called Bogahamula hena of fourteen nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the fence of Tanahena on the South by the limit of the remaining portion belonging to the Walauwa on the West by the Belungala and on the North by the limit of Ihalawatta.

34. An undivided one-eighth share from and out of all that land called Ihalawatta of sixteen nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by Stone fence of Keenagahamulawatta on the South by the limit of Bogahamulahena 10 on the West by the stone fence of Yakadura's garden and on the North by Galkande Ela.

35. An undivided one eighth share from and out of all that land and of everything appertaining thereto called Ihalakandehena of twenty nellies kurakkan sowing in extent situate at Dorakumbura aforesaid and bounded on the East by the weilla on the South by the limit of Samandara's hena on the West by the Galpila and on the North by the limit of Tikira's hena.

36. All that field called Sivalbokke kumbura alias Hapugaha Dalu-
pothe of one amunam five lahas paddy sowing extent situate at 20
Waralaggama in the aforesaid pattu and bounded on the East by the
Kandepallewatta and Hambankarayewatta on the South by Kiriukkuwa's
field on the West by the Gansabawa road or the weilla and on the
North the weilla and Dewale watta.

37. All that field called Waralakwela of one pela and two lahas
paddy sowing in extent situate at Dullewa aforesaid and bounded on
the East by the Ela on the South by the Thalgahagoda Walauwa on
the West by Arachchi Appu's wateyaya and on the North by Dullewa
Walawwe kumbura.

38. The land called Kekulela pitiya Bandara polwatta of about
fourteen acres in extent situate at Dullewa and Thalgahagoda aforesaid 30
and bounded on the East by the fences of Waralawela and Weslkotuwa
on the South of fences of Arambe liyadda and Wetakepotha kumbura
on the West by the fence of Wetakepotha kumbura and the limit
of remaining portion of Vidane's land and on the North by the fence
of Ovillegedera hena and the footpath leading to Sathkorale. Kekulele-
pitiya of five nellies kurakkan sowing in extent Kekulelepitiyewatta
of six nellies kurakkan sowing in extent, Kekulelepitiya hena of two

nellies kurakkan sowing in extent, Kekulelle pitiya Degalaha hena of two nellies kurakkan sowing in extent Bogahamula hena of six nellies kurakkan sowing in extent, Kelellepitiya hena of twelve nellies kurakkan sowing in extent and Waralakgama wela watta of two amunam paddy sowing in extent all adjoining one another together forming one land according to the plan of survey No. 1504 made by S. S. Kandaswamy licensed surveyor called Kekulelle watta bounded on the East by the Gansabawa road and the fields South by fields West also by fields and on the North by the footpath, Dullewe Alutwalauwe Tikiri

10 Banda's land and Gansabawa Road and containing fourteen acres one rood and twenty four perches; out of which land excluding the tile roofed house standing thereon undivided portion towards the South in extent four acres or undivided five eighteenth shares of the entire land together with the plantations and everything appertaining thereto.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43

—Continued

39. All that field called Parawala Kumbura of one pela paddy sowing in extent situate at Daluwela aforesaid and bounded on the East by the Oya on the Ela on the West by the limit of Dinturala's fields and on the North by fields belonging to Kiri Banda Arachchi and Tikira.

20 40. All that field called Waralawkwela of one amunam three pelas and three lahas paddy sowing in extent situate at Walakgama and Dullewa aforesaid and bounded on the East by Dewale watta on the South by Aluvihare watta kumbura and Weralugaha Wattekumbura on the West by Bandara polwatta and on the North by the Weilla.

41. All that field called Rukgahamulawatta alias Bomaluwewatta of about two acres in extent situate at Atipola aforesaid and bounded on the East by Mahawela kumbura and Gonnewekumbura on the South by Mahawela kumbura and on the West and North by the Village limit and Mahawela kumbura.

30 42. All that field called Wadukumbura of about one pela paddy sowing in extent situate at Dullewe aforesaid and bounded on the East by the Oya on the South by the limitary ridge of the field belonging to Ratnindewalauwa on the West by the Gansabawa Road and on the North by the limitary ridge of Muhandiramalage Kumbura.

40 43. An undivided one-half share from and out of all that field called Lindagawa kumbura of about one pela paddy sowing in extent situate at Waralakgama aforesaid and bounded on the East by Weta-kegahamula kumbura, timbeliyadda and the limit of Loku Liyadde kumbura on the South by the limits of Tamettakkarayage watta Weralugahawatta and Wedakarayage watta on the West by the weilla and on the North by the limit of Weralugahawatta Wedakaraya's field.

P 3
Deed of Gift
No. 9049 attes-
ted by H. D. E.
Gunasekera,
Notary Public
26. 10. 43
—Continued

41. And an undivided one half share from and out of all that land and of the plantations thereon called Dullewe Maha Walauwe watta of about four acres in extent situate at Dullewa aforesaid and bounded on the East by the limit of Dullewe Walauwe kumbura on the South the ditch on the West by the Gansabawa Road and on the North by the Gansabawa Road and the fence of Beligahamulawatta; together with an undivided one half share out of the buildings inclusive of the two rooms conveyed to my wife Wegodapola Walauwe Tikiri Kumarihamy and my daughter Rosalind Dullewe Nugawela Kumarihamy subject to the life interest standing thereon. 10

IN WITNESS THEREOF we the said Donor Dullewe Maha-Walauwe Loku Bandara Dullewe Rata Adikarama and the Donee Dullewe Maha Walauwe Tikiri Banda Dullewe have hereunto and to two others of the same tenor and date as these presents set our respective hands at Dullewa on the twenty fourth October One Thousand Nine Hundred and Forty Three.

Sgd/L. B. Dullewe.

Sgd/T. B. Dullewe.

Witnesses:-

Sgd/Ram Banda. 20

Sgd/Kiri Banda.

Sgd / H. D. E. Gunasekera,
N. P

No: 9049.

I, Hemasiri Dayasena Ekanayake Gunasekera of Matalo, Notary Public, do hereby certify and attest that the foregoing instrument having been read over and explained by me in the presence of Daluwela Dasanayake Mudiyanselege Udagedera Ran Banda of Dullewa and Talgasyaye Pahalagedera Kiri Banda of Matalo the witnesses thereto unto the therein named donor and donee the same was signed by the said parties and by the said witnesses at Doollewa on the 26th October 1943. 30

Sgd / H. D. E. Gunasekera,
Notary Public.

Date of attestation:-
26th October 1943.

(SEAL)
Translated by -

Sgd.
S. T. D. C. Kandy.

Printed By Mercantile Stationers,
12, Bailie Lane
Colombo-1
Phone 6281
