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The Gazette of the Democratic Socialist Republic of Sri Lanka

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PART II — LEGAL

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

	PAGE		PAGE
Laws	...	Appointments of Fiscals' Marshals	...
Supreme Court Notices	...	Notices of Fiscal's Sales	324
Court of Appeal Notices	...	Notices in Testamentary Actions	...
District and Magistrates' Courts Notices	...	Council of Legal Education Notices	...
Notices in Insolvency Cases	...	List of Notaries	...
		Miscellaneous Notices	326

IMPORTANT NOTICE REGARDING ACCEPTANCE OF NOTICES FOR PUBLICATION IN THE WEEKLY "GAZETTE"

ATTENTION is drawn to the Notification appearing in the 1st week of every month, regarding the latest dates and times of acceptance of Notices for publication in the weekly *Gazettes*, at the end of every weekly *Gazette* of Democratic Socialist Republic of Sri Lanka.

All notices to be published in the weekly *Gazettes* shall close at 12.00 noon of each Friday, two weeks before the date of publication. All Government Departments, corporations, Boards, etc. are hereby advised that Notifications fixing closing dates and times of applications in respect of Post-Vacancies, Examinations, Tender Notices and dates and times of Auction Sales, etc. should be prepared by giving adequate time both from the date of despatch of notices to Govt. Press and from the date of publication, thereby enabling those interested in the contents of such notices to actively and positively participate please note that inquiries and complaints made in respect of corrections pertaining to notification will not be entertained after **three months** from the date of publication.

All notices to be published in the weekly *Gazettes* should reach Government Press two weeks before the date of publication *i.e.* Notices for publication in the weekly *Gazette* of 13th January, 2023 should reach Government Press on or before 12.00 noon on 30th December 2022.

Electronic Transactions Act, No. 19 of 2006 - Section 9

"Where any Act or Enactment provides that any proclamation, rule, regulation, order, by-law, notification or other matter shall be published in the Gazette, then such requirement shall be deemed to have been satisfied if such rule, regulation, order, by-law, notification or other matter is published in an electronic form of the Gazette."

GANGANI LIYANAGE,
Government Printer.

Department of Govt. Printing,
Colombo 08,
1st January, 2022.

This Gazette can be downloaded from www.documents.gov.lk



Notice of Fiscal's Sales
Public (Property) Auction Sale
IN THE COMMERCIAL HIGH COURT

Commercial Bank of Ceylon PLC,
No. 21, Sir Raseek Fareed Mawatha,
Colombo 01.
Branch Office and/or Business Place
Referred and called as "Kotahena Branch"
situated at No. 198, George R. De Silva
Mawatha, Colombo - 13.

.....Plaintiff

Vs

01. Colombo Marine (Private) Limited,
No. 78/4, Wickramasinghe Pura,
Battaramulla.
02. Shantha Kumara Thenuwara
No. 78/2, Wickramasinghe Pura,
Battaramulla.

.....Defendants

For the purpose of this Mortgage Case appeared by the Legal Representative duly appointed pertaining to the Estate of the deceased Lalitha Sellaheewage of No. 216, Temple Road, Maradana, Colombo - 10.

Commercial High Court Case No. CHC/221/2015/MR

Plaintiff, 1st and 2nd Defendants duly reported to your honors court that both the parties reached to the settlement of this case in terms of settlement conditions entered to the case bearing No. CHC/221/15/MR in the Commercial High Court, according to that it is hereby ordered and decreed that this case reached to a settlement as per the said settlement conditions in the aforesaid manner. It is hereby ordered and decreed that judgement shall be entered in favour of Plaintiff against the 1st and 2nd Defendants jointly and separately as pleaded in the prayer of the Plaintiff in terms of the decree of this case dated 29th September 2017. Thus, (a) it is hereby ordered and decreed that; should pay and recovered total sum of Rs. 7,122,207.32 together with annual interest at the annual interest rate of 15% based on the balance capital amount of sum of Rupees 6,686,080/- from 1st day of July, 2021 until the total sum paid in full. (b) it is hereby ordered and decreed that based on in terms of Mortgage Bonds, namely Mortgage Bond bearing No. 3733 dated 14th September 2005, Mortgage Bond bearing No. 1714 dated 26th April 2006, Mortgage Bond bearing No. 5527 dated 24th July 2007, which are marked as C1, C2 and C3 respectively and execution of these mortgage bonds together with right of ways morefully described in the schedule hereto together with all estates, interests, titles, rights, assignee relations, ownerships and claims for the Defendants above named on behalf of the against the lands and buildings/premises morefully described in the schedule hereto together with all rights, interests, privileges, servitudes and affiliates of the said properties or in connected to said properties or each and every part of said properties hereof and land and premises and everything else thereon on the said land and premises, and all the rights and entitlements unto the 1st and 2nd Defendants pertaining to the said land and premises in order to perform the decree entered into this case together with other properties of the Defendants which is possible to legally seized and sell, shall be obliged and possible to execute in order to recover the aforesaid sum of money. (c) It is hereby ordered and decreed that in case of amount which is decreed in this case insufficient to perform the said decree, the proceeds received from selling the said land and premises which is morefully described in the schedule hereto in order to execute the aforesaid mortgage bonds which are marked as C1 to C3 respectively, Plaintiff hereby entitled to seized and sell other properties of the 1st and 2nd

Defendants which is possible to legally seized and sell in order to recover the sum of amount which is recovered under the said decree entered into this case.

(d) This honors court hereby ordered and decreed that, in the event of Defendants above named default (evade) to aforesaid amount, interest and cost of grants within two months period from the date of decree as per the decree declared by the honors court, the land and premises along with the right of ways morefully described in the schedule hereto and all rights, entitlements and interests of the Defendants and connected therein shall sell at the public auction based on the sale conditions approved by the honors court through authorized auctioneer after due prior notice as the said auctioneer think sufficient thereof. (e) This honors courts hereby ordered and authorized to the said Fiscal/Auctioneer as follows; This honors courts hereby ordered and decreed that, vested authority to; produced the said land and premises for sale at the appraised value at first; and if there are no bidders to purchase the said property at the said appraised value, produced the said land and premises for sale for the sum of monies to be recovered in terms of the decree statement at the time of commission being issued, and even if there are no bidders to purchase at the said sale, authority to sale to the highest bidder/bidders hereof. It is hereby ordered and decreed that, in the event of there is order made under and in terms of provisions of the Act, to be sale to said land and premises at the appraised value at first; and if the highest bid at the first sale of mortgaged land is less than the amount of the appraised value of the land as fixed under and in terms of provisions of the Act, the land shall not be sold at first and in such occasion that the second sale of the land shall be held and even if there are no buyers to purchase the said mortgaged land at the appraised value at the said second sale, produced the said land and premises for sale for the sum of monies to be recovered in terms of the decree statement at the time of commission being issued, and even if there are no bidders in such sale, afterwards produced the mortgaged land to be sold to the next highest bidder or bidders in accordance with the provisions of the Act. It is hereby ordered and decreed that, grant permission to made bids to purchase the said lands and buildings by the Plaintiff or another person on behalf of the Plaintiff; and in the event of Plaintiff to be the Purchaser, Plaintiff shall entitle to credit advantage notes indicating the amounts of Plaintiff's claims and charges hereof. It is hereby ordered and decreed that. Fiscal/Auctioneer being authorized to execute and sign Transfer or Transfers in due formats as set out by law unto the name of Purchaser/ Purchasers; after the buyer or buyers of the said sale exercised/acted in accordance with the sales conditions thereof; if the purchaser is the Plaintiff; after submitting a court order which approved the credit advantage note issued in favour of the Plaintiff and in the event of Purchaser/Purchasers to be third party or parties; after the said parties produced a court order or court orders indicating that, they have duly deposited the purchase price in your honour courts hereof. It is hereby ordered and decreed that, Fiscal to be authorized to duly handover the clear and vacant possession of the said mortgaged property which sold in the aforesaid manner, unto the purchaser or purchasers who purchased the said mortgaged land. It is hereby ordered and decreed that, proceeds (monies) received from the said sale to be used to settle the claims, interests and charges to be paid and settle to the Plaintiff hereof.

It is hereby ordered and decreed not to be continued to execute said authority unless otherwise order made by your honors court, upon the approval of the conditions of sale by this court, which was set out with comply to the said terms, and based on the execution powers issued by this court, the following property, which is more fully described in the under noted schedule will be sold at the public auction at the spot, since the 1st and 2nd defendants failed to perform the decree of this case

Will be sold the land called "St. Thomas Watta" which is containing in extent 10.95 Perches and 09.05 perches together with buildings and everything else thereon by Public Auction at the spot, at No. 78/4, Wickramasinghe Pura, Battaramulla of the aforesaid Defendants of this **07th day of Januray, 2023 at 11.30 a.m.**

Entrance (Accessibility)

You will be reached to the access of this land and premises once you reached to Battaramulla Junction towards the Pelawatta - Pannipitiya Road and turn left approximately 500 meters before the Thalawathugoda Junction up to the Wickramasinghepura road and continue for about a 1KM up to ITN station turn right immediately after ITN and proceed about 10 meters up to the below property in the left side of the road.

Payment Method/Plan:-

As soon as the Public Auction coming to an end, purchaser should pay the following charges to the Auctioneer in cash (cheques will not be accepted).

1. 25% of the Purchase Price (25 per cent)
2. All advertising expenses/charges
3. Stamp Duty
4. Announcing and Clerk Charges
5. Professional Charges of the Auctioneer 2.5% from the purchase price.
6. Any other taxes and charges imposed by the Local Authorities,
7. Notary Charges
8. Provincial Council Charges 1%
9. Court charges, which comply with Rs. 150/- for the first Rs. 7,500/- and Rs. 5/- for the additional Rs. 1,000/- (post charges), and balance 75% (75 per cent) should be deposited in the account of Partition Case, bearing No. CHC/221/15/MR in the Commercial High Court, within the first 30 days, and if the parties fail to do so, initial deposit money should not be refunded, and court will again conduct a public auction regarding the said property.

Visit for inquiries and search related deeds and other instruments (documents).

AJITH DASANAYAKE,
Court Commissioner/Justice of Peace (All Island),
Licensed Auctioneer and Valuer,
B. B. A (UK), A. I. C. M. (Sri Lanka)
E-mail: ajith.dasanayake@yahoo.com
Tel: Mobile -072-1802348

12-628

Miscellaneous Notices

AN ACT FOR INCORPORATING THE C. JINASENA FOUNDATION

I, Udayana Kirindigoda, hereby inform that I intend to present at the Parliament a draft Act called An Act for incorporating "the C. Jinasena Foundation" under the standing order No. 53 of the standing orders of the Parliament of the Democratic Socialist Republic of Sri Lanka.

The purpose of the draft Act will constitute the incorporation of the said Foundation which has the following objects:

1. Assisting in resolute development by way of environment conservation and making the general public aware of the related matters, conservation of the local species of herbs and plants in a way that will protect and conserve them for the future ;
2. Assisting the entrepreneurial and business communities for launching and maintaining programmes for creating and improving the opportunities for the skills development of youth by means of firm and valid suggestions towards educational, technical and personal development ;
3. Providing community services at times of calamities, disasters and national emergencies resulting especially from natural and human activities.

UDAYANA C. KIRINDIGODA,
A Member of Parliament.

12-450