

The case of *Ioanni G. Demetriades v. Ioanni K. Liverdou* reported in pages 49-50 of the original edition, is no longer of any importance.

[TYSER, C.J. AND FISHER, J.]

VASILIOU HAJI IOANNOU

v.

CHRISTINOU HAJI MICHAEL.

TYSER, C.J.

&
FISHER,

J.
1912

April 20

BOND—PRESCRIPTION—PROCEEDINGS—IN LAND REGISTRY OFFICE UNDER THE SALE OF MORTGAGED PROPERTY LAW, 1890, DURING CURRENCY OF PERIOD OF PRESCRIPTION—"OLD STYLE" OR "NEW STYLE."

A sale under the Sale of Mortgaged Property Law, 1890, does not stop the currency of the period of prescription for the recovery of the debt.

This was an appeal from the District Court of Nicosia dismissing the action. The facts were as follows:—

The Defendant gave a bond to the Plaintiff dated 10/22 October, 1895, due on the 1st July, 1896, the Defendant binding herself to secure the payment of the amount payable under the bond by a mortgage of certain immoveable property mentioned therein.

In 1890 the Plaintiff caused the mortgaged property to be sold in accordance with the Sale of Mortgaged Property Law, 1890, but the sum realised was insufficient to repay the whole of the debt. On the 3rd July he instituted an action to recover the balance.

The Court held that on the construction of the document, taking the surrounding circumstances into consideration, the term 1st July meant 1st July—New Style—and that the action was barred unless the proceedings under the Sale of Mortgaged Property Law, 1890, kept the claim alive.

A. Kyriakides for Appellant.

N. Paschalis for Respondent.

Judgment: A further point was taken on behalf of the Appellant namely that the proceedings taken by him under the Sale of Mortgaged Property Law, 1890, are equivalent to an action so as to stop time running against him. We are of opinion that Art. 1666 of the *Mejellé* precludes the Appellant from succeeding in this contention. The steps taken in the Land Registry Office cannot be said to have been "made in the presence of the Judge" within the meaning of that Article.

The judgment of the District Court must be upheld and the appeal dismissed.

Appeal dismissed with costs.