

PLATON ANTONIADES,

*Appellant,*

v.

MICHAEL KYPRIANOU VASSILI,

*Respondent.*

PLATON  
ANTONIADES  
v.  
MICHAEL  
KYPRIANOU  
VASSILI

(Civil Appeal No. 4437).

*Constitutional Law—Unconstitutionality of a law, or provision thereof, passed after Independence Day—Reference of the question to the Supreme Constitutional Court for its determination—Article 144, paragraph 1, of the Constitution—The Courts must refuse to refer such question unless, inter alia, it raises specific rather than general issues and it is framed in such a way as to show clearly the question of unconstitutionality raised—George Miliotis and others v. Mustafa Houssein (reported in this Volume at p. 287 ante) followed.*

*Constitutional Law—The Agricultural Debtors Relief Law, 1962—Question of its constitutionality raised—But left undecided—Articles 26 and 144.1 of the Constitution.*

The point involved in this appeal was considered and determined by the High Court in its judgment in the case *George Miliotis and others v. Moustafa Houssein*, reported in this volume at p. 287 ante.

Cases referred to :

*George Miliotis and Others v. Moustafa Houssein*, reported in this volume at p. 287 ante; followed ;

*The Mayor, etc., of Nicosia and Christakis Loizides*, 1 R.S.C.C., 59, at p. 61, considered with approval.

### Appeal.

Appeal against the judgment of the Agricultural Debtors' Relief Court Nicosia (Attalides Ag. D.J.) dated 31.5.63 (Application No. 483/62) refusing to stay further proceedings, as far as creditor No. 2 is concerned, and reserve for determination by the Supreme Constitutional Court, the Constitutionality of the Agricultural Debtors' Relief Law 1962 on the ground that the Law contravenes Article 26 of the Constitution.

A. *Pantelides* for the appellant.

L. *Demetriades* for the respondent.

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The facts sufficiently appear in the judgment of the High Court.

WILSON, P. : This is an appeal from the order made by the Agricultural Debtors' Relief Court at Nicosia on May 3, 1963, refusing to stay the proceedings and to reserve the question propounded by counsel for the debtor for determination by the Supreme Constitutional Court.

The question as framed by the advocate for creditor No. 2 on the occasion of hearing before the Agricultural Debtors' Relief Court on April 19, 1963, was :

“ I submit that Law 29/1962 (*i.e.* 'The Debtors' Relief Law, 1962) is unconstitutional because it contravenes Article 26 of the Constitution and these being Judicial Proceedings I request the Court under Article 144 of the Constitution to stay further proceedings as far as my client is concerned until the examination of the matter by the Supreme Constitutional Court ”.

After reserving the judgment the Court decided against the appellant on the ground that nothing had been put forward to show that the question raised is material for the determination of any matter at issue in the proceedings. It decided that “ this is expressly laid down in the decision of the Supreme Constitutional Court in Case No. 23/61 ”—*The Mayor, etc. of Nicosia and Christakis Loizides, Nicosia*, 1, R.S.C.C., 59 at p. 61.

Before this present appeal came on for hearing this Court on June 25, 1963, had the occasion to consider the same point in Civil Appeal No. 4432, *George Miliotis of Lysi and 2 others v. Moustafa Houssein of Pergamos*, reported in this volume at p. 287 ante, where this Court sustained the ruling of the trial Court which held the question was not in proper form. We adopt the same reasons for judgment in this case.

For these reasons the appeal will be dismissed with costs. This is without prejudice to any further application which the appellant may wish to make before the Agricultural Debtors' Relief Court.

*Appeal dismissed with costs.*