

[JOSEPHIDES, J.]

GREGORIS NICOLAOU YIANNAKOURI, AND
ANOTHER (No. 1),

Plaintiffs,

v.

CYPRUS SEA CRUISES (LIMASSOL) LTD.,

Defendants.

(Admiralty Action No. 4/65)

1965
Nov. 18

—
GREGORIS
NICOLAOU
YIANNAKOURI,
AND ANOTHER
(No. 1)
v.
CYPRUS SEA
CRUISES
(LIMASSOL)
LTD.

Practice—Parties—Joinder of parties—Application during hearing to adjourn action, sine die, to enable addition of new defendant.

Adjournment—Application to adjourn hearing to enable addition of party—Adjournment refused.

This admiralty action concerns a claim for damage to plaintiffs' goods consisting of books, personal and household effects, delivered by plaintiffs to the defendants for carriage by s/s "Kypros", from Limassol (Cyprus) to Piraeus (Greece).

In the course of the hearing of the said action, plaintiffs' advocate applied for its adjournment, *sine die*, to enable him to join as a defendant therein, presumably under rule 30 of the Cyprus Admiralty Jurisdiction Order, 1893, a certain company called "Kypros Compagnia Naviera sa Panama" shown in the statement of defence as the owners of the said s/s "Kypros".

The Court in dealing with the said application, considered *inter alia*, the question whether, at the stage made, it was justified or not; and refused the application.

Application refused. Order in terms.

Ruling.

Ruling on an application for the adjournment *sine die* of the hearing of an admiralty action.

Chr. Mitsides, for the plaintiffs.

G. Polyviou, for the defendants.

The Court's decision in the matter is contained in the following ruling:

JOSEPHIDES, J.: As I understand the application of Mr. Mitsides is that his case should be adjourned *sine die* to enable him to apply for a certain company called the "Kypros Com-

1965
Nov. 18
—
GREGORIS
NICOLAOU
YIANNAKOURI,
AND ANOTHER
(No. 1)
v.
CYPRUS SEA
CRUISES
(LIMASSOL)
LTD.

pagnia Naviera sa Panama ” to be joined as a defendant in these proceedings. The question which I have to consider is whether the application at this stage is justified or not.

The writ of summons was sealed on the 13th May, 1965, and the petition or statement of claim was filed by the plaintiffs on the 12th June, 1965. The statement of defence was filed on the 22nd July, 1965. In the statement of claim the plaintiffs allege in paragraph 3 that the defendants were at all material times the owners of the s.s. “ Kypros ” which is alleged to have carried the plaintiffs’ boxes from Cyprus to Greece. By their defence (paragraph 3) the defendant company denied that they are the owners of the s.s. “ Kypros ” and stated that the ship in question is owned by the “ Kypros Compagnia Naviera sa Panama ”, a company registered outside Cyprus, presumably in Panama. With that denial by the defendants and a clear notice, the plaintiffs on the 1st September, 1965, filed an application to the Registrar of this Court to fix a day for trial. The case was fixed for today, the 18th November, 1965, and due notice was given to the plaintiffs’ counsel on the 21st September, 1965, that is to say, just under two months from today.

The plaintiffs had all that time to consider their position but they have failed to do that and they have waited until this moment, the first day of the hearing, to apply for an adjournment to enable them to join the Panama Company as a defendant. If I grant the adjournment the plaintiff will require time to trace the address of the said company and to have them served ; and more time will be required to have fresh pleadings ordered and filed and the case is not likely to be ready for hearing again before the lapse of a considerable time. In these circumstances I do not think that justice will be done by adjourning this case. I propose proceeding with the hearing of the case today and, if necessary, I shall reserve judgment to give an opportunity to the “ Protecting Indemnity Club ” to make their offer to settle if, as stated by counsel, they are interested to see that this case is settled.

*Application refused. Order
in terms.*