

1967  
Nov. 11

[JOSEPHIDES, J.]

TAKIS TH.  
PAPADOPOULLOS  
v.  
s/s

TAKIS TH. PAPADOPOULLOS,

*Plaintiff,*

v.

"ALEXANDRIA"  
AND HER CARGO  
AND/OR THE  
OWNERS OF THE  
SHIP  
"ALEXANDRIA"

S/S "ALEXANDRIA" AND HER CARGO AND/OR  
THE OWNERS OF THE SHIP "ALEXANDRIA",

*Defendants.*

(Admiralty Action No. 18/67).

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*Admiralty—Arrest of vessel—Action in rem—Claim for necessaries—  
The affidavit, in support of the application in such action for  
the issue of a warrant of arrest of the ship, should state that no  
owner or part owner of the ship is domiciled in Cyprus—Rule 52(b)  
of the Rules of the Supreme Court of Cyprus in its Admiralty  
jurisdiction.*

*Ship—Arrest of—See above.*

*Shipping—Ship Arrest of—See above.*

*Necessaries—Action for necessaries against ship—See above.*

The facts of the case sufficiently appear in the judgment of the Court. In dismissing the application for the issue of a warrant of arrest of the ship (the defendant), the Court :

*Held*, (1) the affidavit in support of the application does not comply with Rule 52 (b) to the effect that in an action for necessaries the affidavit should state, to the best of the deponent's belief, that no owner or part owner of the ship was domiciled in Cyprus at the time when the necessaries were supplied.

(2) Furthermore, it is assumed that the goods sold and delivered are necessaries but nowhere, either in the writ of summons or in the affidavit, is it stated that the action is for necessaries.

*Application for the issue of the  
warrant for the arrest of the ship  
dismissed.*

**Application.**

*Ex parte* application for the arrest of defendant ship.

*P. Laoutas*, for the plaintiff-applicant.

*Mr. Laoutas* states : The claim is based on goods sold and delivered to the master of the ship on the 6th November, 1967.

JOSEPHIDES J.: This action was filed today and as stated in the writ of summons the claim is for £222.795 mils "value of goods sold and delivered" to the defendants. The same thing is stated in the affidavit of applicant in support of the application for the issue of the warrant of arrest. The affidavit further states that the ship has been in Cyprus since the 3rd November, that is, for the past 8 days, and that it is leaving today at 5 p.m. The affidavit does not show where, in which port, the ship is now to be found but *Mr. Laoutas* for the plaintiff has informed the Court that it is to be found at Paphos.

The affidavit does not comply with rule 52 (b) to the effect that in an action for necessities the affidavit should state, to the best of the deponent's belief, that no owner or part owner of the ship was domiciled in Cyprus at the time when the necessities were supplied. Furthermore, it is assumed that the goods sold and delivered are necessities but nowhere, either in the writ of summons or in the affidavit, is it stated that the action is for necessities. This being Saturday and 12 o'clock noon, I think it is too late in the day to have all these proceedings amended to enable the Court to proceed with the issue of the warrant and its execution at the port of Paphos, 100 miles away, by 5 p.m.

In the circumstances, the application for the issue of the warrant for the arrest of the ship is dismissed.

*Order in terms.*

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