

NINA SIMAN,

*Appellant-Plaintiff,*

v.

GEORGHIOS TAMBOURLAS,

*Respondent-Defendant.*

NINA  
SIMAN  
v.  
GEORGHIOS  
TAMBOULAS

(Civil Appeal No. 4989).

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*Trial in civil cases—Early trial—Correct course to be followed when dealing with an application for an early trial and it is found that it should be granted but that it cannot be arranged for the early trial to take place due to pressure of other work on the judges of the District Court concerned.*

*Early trial—Application for—Correct course to be followed—Cf. supra.*

*Per curiam* : An application for an early trial should be dealt with judicially on its merits and if it is found that it should be granted but that it cannot be arranged for the early trial to take place due to the pressure of other work on the judges of the District Court concerned—then the situation should be brought to the notice of the Supreme Court so that necessary steps may be taken to make temporarily available to such District Court, from another District Court, additional judicial personnel.

### Appeal.

Appeal by plaintiff against the order of the District Court of Famagusta (Savvides, D.J.) dated the 17th June, 1971, (Action No. 3335/70) refusing an application for an early date of trial.

*Chr. Demetriades* with *A. Triantafyllides*, for the appellant.

*J. Kaniklides* with *M. Hadjichristofis*, for the respondent.

The judgment of the Court was delivered by :—

TRIANTAFYLLIDES, P. : This appeal, which has been made against the refusal of an application for an early date of trial of Civil Action No. 3335/70 before the District

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Court of Famagusta was abandoned by counsel for the appellant as being out of time ; the said application was an *ex parte* application, it was refused on the 17th June, 1971, and the appeal was filed on the 25th June, 1971, after there had elapsed the four days' period provided under rule 17 of Order 35 of the Civil Procedure Rules.

We would like, however, to observe that, having perused the reasons given by the Court below in refusing an early date of trial, we think that it was not the correct course to have done so merely because there were not, at the material time, available for the purpose—due to pressure of other work—any Judges of the District Court of Famagusta. An application for an early date of trial should be dealt with judicially on its merits and if it is found that it should be granted but that it cannot be arranged for the early trial to take place due to the pressure of other work on the Judges of the District Court concerned then the situation should be brought to the notice of the Supreme Court so that necessary steps may be taken to make temporarily available to such District Court, from another District Court, additional judicial personnel.

In the result the appeal is dismissed, with costs for one advocate on the basis of the minimum of the relevant scale of advocates' fees.

*Appeal dismissed ; order for costs as above.*