

NINA GEORGHIADOU,
Appellant (Applicant),

NINA
GEORGHIADOU
v.
LELLOS
GEORGHIADES

v.

LELLOS GEORGHIADES,
Respondent.

(Civil Appeal No. 5101).

Maintenance—Payable under a previous Court order—Reduction pending the determination of an application for its increase—Not justified—Set aside.

The Supreme Court, allowing this appeal, held that an order of the trial Court reducing maintenance, payable under a previous Court order, pending determination of an application for its increase was not justified.

The facts sufficiently appear in the judgment of the Court allowing this appeal.

Appeal.

Appeal by applicant against the judgment of the District Court of Nicosia (Santamas, Ag. D.J.) dated the 28th June, 1972 (Application No. 85/61) by virtue of which the amount of £14 per month payable by the respondent to the appellant for the maintenance of their children under an order of the Court dated 12th October, 1961, was reduced to £10 per month pending the determination of an application by the appellant for the increase of the said amount to £25 per month.

E. Markidou (Mrs.), for the appellant.

Respondent appeared in person.

The judgment of the Court was delivered by :

TRIANTAFYLIDIS. P.: In this case the appellant has appealed against an order of the District Court of Nicosia, dated 28th June, 1972, by means of which the amount of £14 per month payable by the respondent to the appellant for the maintenance of their children, by virtue of a

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Court Order dated 12th October, 1961, was reduced to £10 per month pending the determination of an application filed by the appellant for the increase of the said amount to £25 per month. On the 28th June, 1972, the application of the appellant was not dealt with on its merits but was adjourned for hearing to the 23rd September, 1972 ; but, on the former date, the respondent declared that he was in a position to pay £10 per month and the Court below made the interim order complained of by the appellant in this appeal.

In our view there existed no justification at all for making the order appealed from, and thereby provisionally reducing the amount of maintenance payable under an order which was in force and which was sought to be varied by increasing, and not decreasing, the amount payable thereunder ; this was not an instance in which an application was made for the payment of arrears of maintenance and in which the judge could perhaps have made an interim order for payments towards the amount of the arrears pending the determination of the application.

In the result the appeal is allowed.

The costs of this appeal to be determined by the District Court when dealing with the merits of the application.

*Appeal allowed. Order
for costs as above.*