

1981 September 26

[TRIANTAFYLIDIS, P.]

IN THE MATTER OF THE CHARITIES LAW, CAP. 41.

THE CHARITY "NICOS AND DESPINA PATTICHI",

*Plaintiffs,*

v.

THE ATTORNEY-GENERAL OF THE REPUBLIC,

*Defendant.*

(Charity Application No. 2/81).

*Charitable trusts—Objects of the charity—Amendment—Sanction of the Court—Section 13(b) of the Charities Law, Cap. 41—No much scope, as before, for pursuing initial objects of the charity due to changed circumstances—Amendment allowed subject to condition that sanction of the Court will be obtained in case of sale or other disposition of property—Section 13(c) of Cap. 41.*

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The plaintiffs, a charity, sought an order enabling the amendment of the objects of the charity so as to include in them the creation and functioning of a Municipal theatre in Larnaca. This new object was additional to, and not in substitution of, the initial objects of the Charity. The creators of the charity were both alive and they consented to the applied for amendment.

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*Held*, that due to changed, in the meantime, circumstances there is not so much scope as before for pursuing the initial objects of the charity, namely the creation of a Municipal Kindergarten and the grants of scholarships; that, therefore, in the exercise of its relevant powers, under section 13(b) of Cap. 41, this Court has decided to sanction the applied for amendment; accordingly the aforementioned object should be added to the objects of the charity concerned subject to the condition that the sanction of the Court will be duly obtained, under section 13(c) of Cap. 41 in case of sale or other disposition of property.

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*Application granted.*

## Cases referred to:

*In the matter of the Trust "Dorea Nicou and Despinas Pattichi is tin polin Lemesou"* (1980) 1 C.L.R. 220, at p. 223.

## Charity Application.

Application by the charity 'Nicos and Despina Pattichi' 5  
under section 13(b) of the Charities Law, Cap. 41, for an order  
enabling the amendment of the objects of the charity so as  
to include in them the creation and functioning of a Municipal  
Theatre in Larnaca.

*A. Poetis* with *C. Gavrielides*, for the plaintiffs. 10

*M. Kyprianou*, Senior Counsel of the Republic, for the  
defendant.

*Cur. adv. vult.*

TRIANTAFYLLIDES P. read the following judgment. The 15  
plaintiffs are a charity and they seek an order enabling the  
amendment of the objects of the charity so as to include in them  
the creation and functioning of a Municipal Theatre in Larnaca.  
This new object is intended to be additional to, and not in  
substitution of, the initial objects of the charity.

Initially they had sought by means of the present proceedings 20  
an order of this Court allowing the inclusion, also, in the objects  
of the charity, of any other future project which would benefit  
culturally the town of Larnaca, but the relief claimed, in this  
connection, by the plaintiffs, was abandoned, for the time being,  
in view of its generality and vagueness. 25

The donors, thanks to whose public spirited generosity the  
charity has come into existence, are both alive and they have  
signified, by means of an affidavit sworn on September 11,  
1981, their consent to the amendment, as above, of the objects  
of the charity. Also, the defendant Attorney-General has 30  
indicated that he agrees with such amendment.

From the material before me it appears that due to changed,  
in the meantime, circumstances there is not so much scope  
as before for pursuing the initial objects of the charity, namely  
the creation of a Municipal Kindergarten and the grants of 35  
scholarships.

In the light of all the foregoing circumstances I have decided to sanction the applied for amendment of the objects of the charity in the exercise of the relevant powers of this Court, under section 13(b) of Cap. 41, as they have been explained in, *inter alia*, *In the matter of the Trust "Dorea Nicou and Despinas Pattichi is tin Polin Lemesou"*, (1980) 1 C.L.R. 220, 223.

I, therefore, order that the aforementioned object should be added to the objects of the charity concerned, subject, of course, to the condition that in case of any sale or other disposition of property of the charity the sanction of this Court will be duly obtained under section 13(c) of Cap. 41.

*Application granted.*