

1981 June 3

IN THE MATTER OF ELECTION PETITIONS IN RESPECT
OF THE ELECTIONS FOR THE CONSTITUENCIES OF
NICOSIA AND LARNACA.

[TRIANTAFYLLIDES, P., L. LOIZOU, HADJIANASTASSIOU, A. LOIZOU,
MALACHTOS, DEMETRIADES, SAVVIDES, JJ.]

LEANDROS ZACHARIADES, OF NICOSIA,

Applicant.

and

1. DEMETRIOS LIVERAS, OF NICOSIA,
2. ANDREAS MATHIKOLONIS, OF LARNACA,
3. HAMBIS KYRIAKOU, OF LARNACA,
4. TOUMAZOS KONTOZIS, CHIEF RETURNING
OFFICER, MINISTRY OF INTERIOR,
5. THE MINISTER OF THE INTERIOR,

Respondents.

(Election Petition No. 1/81).

Election petition—Practice—Periods of time within which respondents will enter their appearances and file their answers—Application for abridgement to one day—Rules 9 and 11 of the Election of Members of the House of Representatives (Election Petitions) Rules of Court, 1981—Need that respondents should be afforded the periods of time envisaged by the above Rules in view of the important and novel nature of the case, notwithstanding the desirability of determining as soon as possible what is the correct composition of the House of Representatives—Application dismissed.

On the day of filing of an election petition complaining against the allocation of two seats of the House of Representatives, applicant filed, also, an application for abridgement to one day of the periods of time within which the respondents will enter their appearance and file their answers under the provisions of the Election of the Members of the House of Representatives

(Election Petitions) Rules of Court, 1981 Under these Rules the respondents were entitled to enter their appearances within fifteen days and to file their answers within fifteen days thereafter. The application was mainly based on the ground that it was in the public interest to determine as soon as possible what was the correct composition of the House of Representatives

Held, that the abridgement applied for cannot be ordered, because, notwithstanding the desirability of determining, as soon as possible, for obvious reasons of public interest, what is the correct composition of the House of Representatives, it is really essential, in view of the important and novel nature of the present case, to afford to the respondents the periods of time envisaged by the aforesaid Rules of Court for the purpose of entering their appearances, filing their answers and, in general, considering the issues arising in relation to the fate and outcome of this election petition

Application dismissed

Application.

Application for abridgement to one day of the periods of time within which the respondents will enter their appearances and file their answers in an Election Petition against the allocation of two seats of the House of Representatives

A Markides with *Chr Triantafyllides*, for the applicant.

G Polyviou with *P Polyviou* and *C Pamballis*, for respondent 1

Respondent 2 appeared in person

Respondent 3 absent

K. Michaelides, for respondents 4 and 5.

Mr. Cl. Antonides, Senior Counsel of the Republic, states that, if it is thought by the Court, or by any of the parties, that it is desirable that the Attorney-General of the Republic should take part in these proceedings as an *amicus curiae*, the Attorney-General is prepared to consider such a course

TRIANTAFYLLIDES P. gave the following decision of the Court. The applicant in this election petition, which was filed yesterday, complains, in effect, against the decision of respondent 4 as regards the allocation, pursuant to the General Election of

May 24, 1981, of two seats of the House of Representatives, under section 33(4)(c) of The Election of Members of the House of Representatives Law, 1979 (Law 72/79), as amended, particularly in this respect, by the Election of Members of the House of Representatives (Amendment) Law, 1981 (Law 16/81). The said decision was published in the Official Gazette of the Republic on May 26, 1981.

The applicant has, also, filed yesterday an application for abridgement to one day of the periods of time within which the respondents will enter their appearances and file their answers under the relevant provisions of the Election of Members of the House of Representatives (Election Petitions) Rules of Court, 1981, which were published on May 29, 1981.

Normally the respondents are entitled to enter their appearances within fifteen days, as provided by rule 9 of the aforesaid Rules, and to file their answers to the petition within fifteen days thereafter, as provided by rule 11 of the said Rules.

In support of his application for abridgement the applicant has relied, mainly, on the contention that it is in the public interest to determine as soon as possible what is the correct composition of the House of Representatives.

We have fixed this case today so that the parties could be given an immediate opportunity to place before the Court their views as regards the future course of the present proceedings, even before the newly elected Members of the House of Representatives make their affirmations tomorrow under Article 69 of the Constitution.

All the respondents who have appeared before us today have opposed the application for the abridgement of the periods within which they are entitled to enter their appearances and file their answers.

Having weighed all that has been submitted by the parties to these proceedings, we have decided that we cannot order the abridgements applied for by the applicant, because, notwithstanding the desirability of determining, as soon as possible, for obvious reasons of public interest, what is the correct composition of the House of Representatives, it is really essential, in view of the important and novel nature of the present case,

to afford to the respondents the periods of time envisaged by the aforesaid Rules of Court for the purpose of entering their appearances, filing their answers and, in general, considering the issues arising in relation to the fate and outcome of this election petition.

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Consequently, this case will take its normal course.

Application dismissed.