

1983 May 18

[A. LOIZOU, DEMETRIADES, LORIS. JJ.]

IN THE MATTER OF THE MENTAL PATIENTS LAW,
CAP. 252

- and -

IN THE MATTER OF KATINA THOUKIDIDOU,
MENTAL PATIENT.

(Civil Appeal No. 6411).

*Mental patient—Administrator of property of—Remuneration—
No provision for, in order appointing administrator—He is not
entitled to remuneration—“Expenses and fees” (“exoda ke di-
keomata”) in the order—Meaning—Section 27(4) of the Mental
Patients Law, Cap. 252.*

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*Words and Phrases—“Fees and expenses” (“exoda ke dikeomata”)
in order appointing administrator of property of mental patient
under section 27(4) of the Mental Patients Law, Cap. 252—
Meaning.*

The appellant, a practising advocate, claimed remuneration
for services rendered to a mental patient in connection with her
personal welfare and her property which involved acting for
her in various matters. The order of the Court appointing
him as administrator of the property of the patient stated that
if in the future there were any “expenses and fees” (exoda ke
dikeomata) payable to the administrator, then he had to sub-
mit his bill to the Registrar and same would be payable from
be the property of the mental patient.

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Upon appeal against the dismissal of his claim the appellant
contended that the words “exoda ke dikeomata” appearing in
the order included “remuneration” or that these words should
be interpreted as including remuneration.

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Held, that the words “expenses and fees” mean nothing more
than actual disbursements and advocate fees for judicial work
done and not allowances for loss of time or remuneration for

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services rendered; that the District Court on making an appointment of an administrator may allow the administrator such remuneration as it may deem fit (see section 27(4) of the Mental Patients Law, Cap. 252); that no such provision was
5 made in the order by which appellant was appointed administrator; accordingly the appeal must fail.

Appeal dismissed.

Appeal.

10 Appeal by applicant-administrator against the judgment of the District Court of Nicosia (G. Nicolaou, D.J.) dated the 17th February, 1982 (Appl. No. 4/78) whereby his application praying to be allowed to receive remuneration for services rendered to the property of a certain Katina Thoukididou, a mental patient, and in connection with her personal welfare was dismissed.

15 Appellant appeared in person.

A. LOIZOU J.: The judgment of the Court will be delivered by Mr. Justice Demetriades.

20 DEMETRIADES J.: This is an appeal from the decision of the District Court of Nicosia, by which the application of the appellant praying to be allowed to receive remuneration for services rendered to the property of a certain Katina Thoukididou, a mental patient, and in connection with her personal welfare, was dismissed.

25 The grounds of appeal were originally three, but today the appellant, who is a practising advocate and appeared in person, abandoned his third ground by which he was complaining that he was removed from being the administrator of the property of the said mental patient.

30 The facts are sufficiently stated in the decision of the trial judge and they are the following:

By an ex-parte application, dated 10th December, 1981, notice of which was given to his co-receiver in the matter, the appellant sought an order for the payment to him out of the patient's property of an amount totalling C£2,534.500 mils,
35 this being for various items set out in an attached list to the application, which list contained claims for legal costs in re-

spect of a number of proceedings within this mental patient's cause, various out-of-pocket expenses connected with those proceedings and remuneration for services rendered to the patient both in connection with her personal welfare and her property, which involved acting for her in various matters. 5
Save for the out-of-pocket expenses, the amount claimed for each item is not specified separately in the list. Instead, the appellant claimed a lump sum for all of them amounting to C£2,500.

The application was supported by an affidavit sworn by the appellant, in which he stated that the administration of the property of the patient was complicated owing to her illness and that the amount which he claimed was reasonable. 10

The trial Court found that, as to the claim of the appellant for fees and expenses, he had to present these to the Registrar of the Court in a proper form for taxation. But as regards his claim for remuneration for services rendered, it found that the appellant was not entitled to any remuneration for his said services as administrator because when the order appointing him as such was made, no provision was made for him to receive such remuneration. 15
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The appellant argued before us that the trial Court misinterpreted the last paragraph of the order made by the Court on the 6th June, 1978, by which he was appointed administrator of the property of the patient. In this paragraph provision was made that if in the future there were any "expenses and fees" (exoda ke dikeomata) payable to the administrator, then he had to submit his bill to the Registrar and same would be payable from the property of the mental patient. 25

The appellant has been arguing today that the words "exoda ke dikeomata" appearing in the last paragraph of that order include "remuneration" or that these words should be interpreted as including remuneration. We are not in agreement with this allegation as we feel that the words "expenses and fees" mean nothing more than actual disbursements and advocate fees for judicial work done and not allowances for loss of time or remuneration for services rendered. 30
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Section 27 of the Mental Patients Law Cap. 252, which deals with the control and management of the property of mental

patients, and in particular its sub-section 4, provides that the District Court on making the appointment may allow the administrator such remuneration as the Court may deem fit. No such provision was made in the order by which the appellant
5 was appointed administrator.

In the light of our findings we dismiss the appeal but we make no order as to costs, as no interested party or respondent appeared in these proceedings.

Appeal dismissed with no order as to costs.