

the Marshal's expenses, the surplus will be absorbed by the crew claims, which even then will not be fully satisfied, the following order is issued, i.e. after the payment of £500 costs incurred in these proceedings, the surplus should be paid in satisfaction of the claims set out hereinbelow in the following order: (1) Costs of arrest of the ship and (2) Crew claims in actions 132, 133, 134, 135 and 136 to run *pari passu*.

Order accordingly.

Applications. 10

Applications by plaintiffs, judgment creditors in the above actions for an order of the Court determining the priorities to the claimants against the proceeds of sale of the defendant ship.

M. Eliades, for applicants in all actions. 15

A. Skordis, for respondent-plaintiff in Action No. 52/85.

A. Petoufas for *A. Stavrou*, for respondents-plaintiffs in Actions Nos. 132/85 and 133/85.

Th. Varda (Miss) for *A. Poetis*, for respondent plaintiff in Actions Nos. 215/85 and 217/85. 20

M. Kyprianou for *G. Savvides*, for respondent-plaintiff in Action No. 301/85.

SAVVIDES J. gave the following ruling. By these applications in the above actions, which were heard together, the applicants-plaintiffs, judgment creditors in the said actions, pray for - 25

(a) an order of the Court determining the priorities of payments to the several claimants against the proceeds of sale of the defendant ship. 30

(b) An order for payment out in the following order of the amount lodged in Court:

(i) Marshal's expenses.

(ii) To plaintiffs-applicants in the present actions, their judgments in respect of wages. 35

The three applicants are seamen and were members of the defendant ship against which they obtained judgments in respect of their salaries, wages and other benefits due to them under their relevant contracts of employment.

- 5 The defendant ship "DIANA" was arrested by an order of the Court dated 20th February, 1985, at the instance of the plaintiff in Action 52/85. The claim in such action was for necessaries supplied to the ship and judgment was obtained by the plaintiff against the de-
10 fendant ship on 8th July, 1985.

Pursuant to an order of the Court the ship was sold by public auction for the sum of \$38,000 (U.S.). Out of the said amount, a sum of C£9,722.65 was paid, with the approval of the Court, to the Marshal as Marshal's ex-
15 penses in which repatriation expenses and wages of certain crew members and the master appointed by him after the arrest of the ship were included, and thus there remains a balance of around \$18,000 (U.S.) deposited with the Bank of Cyprus.

- 20 Besides the present action and Action 52/85, five other actions were brought against the defendant ship. Such actions are Admiralty Actions 132, and 133/85 in respect of crew claims in which judgment has already been obtained. Action 218/85, a claim by the master of the ship
25 for wages and disbursements due by the defendant ship. Also, Action 301/85 by another master of the ship for wages and disbursements and Action 217/85 for necessaries supplied to the defendant ship. In the last three actions the claims have not yet been determined.

- 30 Mr. Skordis who appeared for plaintiff, judgment creditor in Action 52/85, submitted that the expenses incurred by plaintiff in such action for the arrest of the ship and its sale should be paid in priority to any other pending claim.

- 35 When these applications came up for hearing, all counsel appearing in the said actions, and most of whom had filed

caveats against payment out of the proceeds of the sale, conceded that bearing in mind that the Marshal's expenses have been paid, the crew claims have priority over all other claims in the said actions. They further conceded that the expenses incurred by plaintiff in Action 52/85 for the arrest of the ship and its sale, had priority over the crew and the other claims. 5

It was further agreed by all parties concerned that the cost incurred in connection with these applications should also be paid in priority to the crew claims and that though such costs were considerable, it was agreed that the five advocates appearing in these applications, namely, advocate for applicants, advocate for respondents-plaintiffs in Action 215 and 217, advocate for respondents-plaintiffs in 301/85, advocate for respondent-plaintiff in 52/85, advocate for respondents-plaintiffs in 132 and 133/85 be paid C£100.- each against their costs in these proceedings. 10 15

In the circumstances of the present case and bearing in mind the claims against the defendant ship which consists of - 20

- (a) Marshal's expenses,
- (b) crew claims,
- (c) masters' claims and disbursements and
- (d) necessities, 25

the question of priorities does not present any problem and rightly, counsel appearing in these cases, admitted that the crew claims have priority over the master's wages and disbursements which, again, have priority over necessities supplied to the ship. 30

Bearing in mind the fact that after the payment of the Marshal's expenses out of the proceeds of the sale of the defendant ship, the surplus will be absorbed by the crew claims which even will not be fully satisfied, I make the following order for the ranking of priorities: 35

After payment of an amount of C£500.- costs incurred in connection with these proceedings which have been

agreed upon by all parties concerned, any surplus of the proceeds of the sale to be paid in satisfaction of the claims set out hereinbelow in the following order:

5 (1) Costs of arrest of the ship up to the date of the order for sale *in favour of plaintiff, judgment creditor*, in Action No. 52/85.

 (2) Crew claims in Actions Nos. 132, 133, 134, 135 and 136/85 to run *pari pasu*.

Order accordingly.

1986 June 10

[TRIANTAFYLIDIS, P., MALACHTOS, DEMETRIADES,
SAVVIDES, LORIS, PIKIS, KOURRIS, JJ.]

ANDREAS EVZONAS,

Petitioner,

v.

GEORGHIOS PAPADOPOULOS AND OTHERS,

Respondents.

(Election Petition No. 1/86).

*Elections—General Election for the House of Representatives—
Election Petition—Procedure—Application by summons
for recounting of the preference votes cast for the peti-
tioner and respondent 1 and for extending the time within
which the petitioner should submit a list of votes against
which he intends to object—The Election of Members of
the House of Representatives (Election Petitions) Rules
of Court, 1981—Rule 6(1).* 5

By means of the above election petition the petitioner
seeks the annulment of the election of respondent 1, as 10
Representative of the Democratic Rally in the House of
Representatives in respect of the constituency of Paphos
and a declaration that the petitioner has been elected,
instead of respondent 1, as Representative of the said
party for the said constituency. 15

The petitioner filed an application by summons seeking
the recounting of the preference votes cast respectively
for himself and respondent 1 and praying for an order
extending thereafter for a period not exceeding 15 days
the time within which there should be submitted to the 20
Chief Registrar by him a list of the votes against which
he intends to object. It is clear that the extension of time
is sought in order to enable the petitioner to comply
with rule 6(1) of the above rules. Respondents opposed
the application. 25