

[FISHER, C.J. AND GRIMSHAW, P.J.]

ELENGOU HARALAMBOU

v.

PANAYI ELIA.

FISHER,
C.J.
&
GRIM-
SHAW,
P.J.
1924
} March 15

MAINTENANCE—ORDER FOR EXECUTION NO BAR TO A SUBSEQUENT ORDER.

Plaintiff obtained judgment (inter alia) for £2 a month maintenance against Defendant, her husband.

In March, 1922, she obtained an order for the sale of Defendant's immovable property (except houses). Later in 1924 she applied for a further order to sell the house of Defendant. The District Court refused to make the order on the ground that the order of March, 1922, was a bar.

Plaintiff appeals from that order dismissing her application in 1924.

For Appellant *C. Loizo*.

Respondent in person.

Judgment. We allow the appeal. The order of the 6th March, 1922, is not a bar to further proceedings to enforce payment of sums becoming due after the order. In this case a sum has accrued due since the writ under that order was executed. The application is therefore remitted to the District Court to be dealt with as an application to sell so much of the house as is not absolutely necessary for the judgment debtor under section 21 of Law 10 of 1885 the provisions of r. 19 of Order 18 of the Rules of Court being kept in view.