

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

IN RE BANKRUPTCY OF IOANNIS MAVRIKIOS
AND ELEFThERIOS MENZOS.

FISHER,
C.J.
&
GRIM-
SHAW,
ACTING P.J.

July 8
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PROCEDURE ON APPEAL—PRELIMINARY OBJECTION—SERVICE OF NOTICE OF APPEAL ON ALL "PARTIES"—CREDITOR REPRESENTED INDIVIDUALLY BEFORE DISTRICT COURT NOT SERVED—RULES OF COURT, ORDER XXI. RULES 7 AND 8.

In bankruptcy proceedings before the District Court a creditor Bank appeared by counsel and opposed an application made in that Bankruptcy. The creditor Bank was heard in argument and the District Court made an order against which the Applicants have now appealed.

On a preliminary objection raised by the Syndicate that the creditor Bank was not served with a notice of appeal and that this appeal cannot proceed, the Appellant (Applicants in the application) admit they did not serve the creditor Bank.

For Appellants *Panayides*.

For Syndicate *Lanitis*.

Panayides : Creditors have no *locus standi*. They are all represented by the Syndics.

Judgment : We are of opinion that the preliminary objection must prevail as regards the creditor Bank. They were heard in the District Court, they appear on the District Court record as parties, and whether or not their financial interests are ultimately affected one way or the other, which we could only decide if we heard the appeal, their interests are affected by the bringing up for discussion and calling in question, their contentions, without granting them the opportunity of being heard. They do not want to appeal themselves.

The appeal must be dismissed.