

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

HAJI ANASTASSIA HAJI YANNI AND FIVE OTHERS, AS HEIRS OF
 HAJI DEMOSTHENE PANAYIOTI *Applicants,*

v.

1. MICHAEL THEOPHANI

2. DESPINOU NICOLA

AS HEIRS OF HARALAMBO MICHAELI

3. THE CHIEF CLERK OF THE LAND REGISTRY OFFICE,

Respondents.

FISHER,
 C.J.
 &
 MACASKIE,
 ACTING P.J.
 1921
 October 12

MAHLUL—REGISTRATION UNDER C.P.A.L.—LAW 10 OF 1885—EFFECT OF
 DECLARATION OF PROPERTY AS MAHLUL.

Appeal of Applicants from an order of the District Court dismissing the application for the registration of certain immoveable property in the name of Haralambo Michael, the judgment debtor, on the ground that, before the judgment the Applicants seek to execute was registered, the property had been declared Mahlul, and was under orders to be sold.

The facts are as follows:—

Haralambo Michaeli, the judgment debtor, died in 1917 leaving heirs, his widow and an infant daughter. The widow died in 1919, and the daughter in 1920.

After Haralambo Michaeli's death the District Court took over his estate and administered it for the benefit of the infant. When Haralambo Michaeli died he left, *inter alia*, moveable property valued at £60 and debts amounting to about £26. There was, therefore, a balance of assets of £34 odd to the credit of the estate.

In 1919 present Appellants (Applicants) brought an action against the estate of Haralambo Michaeli for £7 odd, due by deceased to them, and obtained judgment on January 15th, 1920. They registered this judgment on 22nd November, 1920, and on the same day they lodged a C.P.A.L. with the Land Registry Office asking for registration of a certain piece of property in the name of Haralambo Michaeli. A local inquiry was held on the 17th December, 1920, and the Land Registry Office refused to register.

In the meantime the infant daughter of the judgment debtor died leaving as heirs the present Respondents, Michaeli and Despinou, who are outside the degree of affinity to which Arazi-Mirié devolves, and on

FISHER, the death of the infant the Crown claimed the property as Mahlul,
 C.J. and the Land Registry Office ordered the sale on September 27th, 1920,
 & before the judgment of the Village Judge was registered. By this
 MACASKIE, application, the Applicants sought an order of the Court requiring the
 ACTING P.J. Land Registry Office to register the piece of property in the name of
 Haralambo Michaeli.

HAJI ANA-
 STASSIA HAJI
 YANNI AND
 FIVE OTHERS,
 AS HEIRS OF
 HAJI DEMO-
 STRENE PA-
 NAYIOTI
 v.

This application was filed on the 27th January, 1921.

The sale of the property ordered in September, 1920, was fixed for
 the 28th January, 1921, and took place as arranged and the property
 realized £28.

1. MICHAEL
 THEOPHANI
 2. DESPINOU
 NICOLA AS
 HEIRS OF
 HARALAMBO
 MICHAELI
 3. THE CHIEF
 CLERK OF
 THE LAND
 REGISTRY
 OFFICE

The District Court heard arguments and delivered a judgment on
 May 18th, 1921, to the following effect:—

Haralambo Michaeli who owed this money died on the 23rd August,
 1917, and left moveables £60 13s. 1cp.; debts came to £26 12s. 6cp.;
 leaving balance of £31 5s. 4cp.

Plaintiffs never appeared to verify their account, nor apparently did
 they apply to the Court under whom the estate was being managed,
 or they could have received payment as there were funds available.

The action was brought against the Defendants "as heirs" con-
 sequently the only property an order could issue against in the action
 would be against property of the deceased in the hands of the heirs.

The property to which this application refers did not come into the
 hands of the Defendants, as they were not entitled to it, therefore,
 under the action, the judgment did not refer to the property to which
 this application refers. Application dismissed.

From this judgment the Applicants appeal.

For Appellants (Applicants) *Paschalis*.

For Respondents (Heirs) no appearance.

For Respondent (Land Registry Office) the *Assistant King's Advocate*.

Judgment affirming the order of the District Court and dismissing
 the appeal with costs.