

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

SMARAGDA SPYROU

v.

YANGOS SPYROU.

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

October 16

RIGHT OF PASSAGE—CHILDREN UNREGISTERED OWNERS—NO PRESCRIPTION—
REGISTERED OWNER'S (FATHER'S) RIGHTS REMAIN.

Appeal of Defendant from judgment of the District Court.

Facts found by the District Court:—

The father of all parties originally owned the property as a whole and he divided the property among his four children. He gave to Plaintiff a house and a yard as dowry and this is registered in Plaintiff's name, at the same time he gave Defendant a house and yard without an entrance to the road. The old entrance was through Plaintiff's house, but the father showed Defendant a new way through the yard of a third child, Arsenou, to whom he had also given this yard together with a house. At the same time the father told the Plaintiff, that she could build up the entrance, by which Defendant got to his premises.

Now Defendant and Arsenou had neither of them been registered as owners of their portions of the original property, nor had they had possession for fifteen years, so that legally the father was still the owner and could do what he liked with his own property.

The District Court gave judgment accordingly for Plaintiff.

For Appellant *Triantafyllides*.

For Respondent *N. Paschalis*.

Judgment : We affirm the judgment of the District Court and dismiss the appeal with costs.