

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

EVELTHON GLYKIS

v.

1. FILOTHEOS LEONDI
2. CONSTANTI HAJI IOAKIM.

FISHER,
C.J.
&
STUART,
P.J.
1923
May 11

JURISDICTION—EXECUTION IN DIFFERENT DISTRICT—APPLICATION BEFORE
SECOND COURT FOR STAY OF THE ORDER OF THE ORIGINAL COURT.

Plaintiff recovered judgment against both defendants in Nicosia District Court. First defendant was the principal debtor and he had mortgaged certain properties, sale of which had been ordered by the Nicosia District Court. Defendant 2 was a guarantor of the loan. Plaintiff obtained an order from the Nicosia District Court for sale of second defendant's moveable properties in the Famagusta District. The moveable property of defendant 2 was seized by the Sheriff of Famagusta District. Second defendant applied to the Famagusta District Court to stop the sale of his moveable properties ordered by the Nicosia District Court until after the sale of the mortgaged properties of defendant 1.

The Famagusta Court held they had no jurisdiction and dismissed the application. From this order dismissing the application the second defendant (applicant) appealed.

For Appellant (applicant) *Paschalis*.

First Defendant (respondent) *in person*.

For Respondent (judgment creditor) *Artemis*.

Judgment: Affirming the judgment of the District Court. This is really an appeal or an application to vary the order of the District Court of Nicosia, and not an application arising out of the execution of the writ in the Famagusta District. The Famagusta Court rightly held they had no jurisdiction.

Appeal dismissed with costs.