

BOVILL,
C.J.
1885.
April 20.

[BOVILL, C.J.]

MUSTAPHA MACHSA

Plaintiff,

v.

HADJI KADIN HADJI HUSSEIN

AND ANOTHER

Defendants.

SHERI COURT, TRANSFER OF CASE FROM—POWER OF CHIEF JUSTICE
—C.C.J.O., SECTION 197—POWERS OF HIGH COMMISSIONER
—HIGH COURT OF JUSTICE ORDINANCE, 1879, SECTION 108.

The Chief Justice has no power under Section 197 of the Cyprus Courts of Justice Order, 1882, to order an action to be transferred from the Sheri Court to any other Court.

The High Commissioner may have power to order the transfer under Section 108 of the High Court of Justice Ordinance of 1879.

Application for transfer of an action from the Sheri Court to the District Court.

Diran Augustin, for the defendants. I apply for an order under Section 179 of the Cyprus Courts of Justice Order, 1882, to transfer this action from the Sheri Court to the District Court of Nicosia.

BOVILL, C.J. I have no jurisdiction to make the order applied for. "Court" means any Court established by the Order in Council. Defendants may have a right under Section 108 of the High Court of Justice Ordinance, 1879, to petition the High Commissioner, who might, with the advice and assistance of the Judicial Commissioner, order a transfer. The powers and authorities then vested in the Judicial Commissioner are by the Order in Council of the 14th February, 1883, now vested in the Supreme Court, but the High Commissioner, if any one, has the power to make such a transfer as is asked for here.

Application refused.