

BOVILL,  
C.J.  
&  
SMITH, J.  
AHMET  
BEKJET  
v.  
ACHILLEA  
LIASSIDES.

We shall therefore direct that out of each penalty recovered a tenth part of it be paid to the plaintiff, so that he will, if the full penalty be recovered, obtain the sum of £10. The remainder of the several penalties will be paid into the Municipal chest.

The judgment of the Court below is therefore reversed.

Our judgment is that the plaintiff recover five penalties of £20 each, of each of which the plaintiff is to receive one-tenth part, that the remainder of the penalties be paid to the Municipal chest, and that the defendant pay the plaintiff's costs of the action.

*Appeal allowed.*

BOVILL,  
C.J.  
&  
SMITH, J.  
1889.  
Nov. 26.

[BOVILL, C.J. AND SMITH, J.]

HJ. CHRISTODOULO HJ. YANAKI *Plaintiff,*

v.

MANOLI HARALAMBI SOLIATI AND  
THEODORI MICHAIL *Defendants.*

SALE OF MULK PROPERTY—NO REGISTRATION—LAW OF 28  
REJEB, 1291.

The law requiring the registration of mulk properties came into force on the 12 Rejeb, 1291, (25 August, 1874).

The defendant M. sold to the plaintiff a vineyard in the year 1870. The plaintiff took possession of the vineyard, but it was never registered in his name.

**HELD:** That the sale to plaintiff was complete and that a registration which M. and the other defendant had subsequently caused to be made in the name of the latter must be set aside.

**APPEAL** from the District Court of Limassol.

Action to restrain the interference of the defendants with a vineyard and to set aside a registration of it in the name of the defendant Theodori.

The plaintiff purchased a vineyard from the defendant Manoli in the year 1870, for 5,600*p.* and had possession of it until the year 1886. The plaintiff was not registered as the possessor of the vineyard, and in the latter year the defendant Manoli sold the vineyard to the defendant Theodori, who procured the registration of it in his name. The plaintiff then brought an action against Manoli asking that he might be ordered to register the property in the plaintiff's name. Manoli paid 5,600*p.* into Court, and the

Court gave judgment for plaintiff for 5,600p. The plaintiff appealed to the Supreme Court, and that Court reversed the judgment of the District Court on the ground that the judgment was not in accordance with the claim, and that action was dismissed and the present one instituted.

The plaintiff proved that he had had possession of the vineyard for 16 years, and the District Court gave judgment for him, holding that he had acquired a title by prescription.

The defendants appealed.

*Diran Augustin*, for the appellants, contended that no ground had been shown for setting aside the registration in the name of the defendant Theodori, but that plaintiff's remedy was in damages against Manoli.

*Pascal Constantinides*, for the respondent, contended that though the sale to plaintiff was not effected by registration he had shown a good title by prescription.

*Judgment*: This was an action concerning the right of possession of a vineyard which the plaintiff alleged that he had purchased in 1870 or 1871, from the defendant Manoli, and which the defendant Manoli, in 1886, purported to sell to the other defendant Theodori, who got the vineyard registered in his name. It was admitted that the plaintiff had paid the purchase money to Manoli at the date of the sale to him. We took time to consider our judgment in order that we might peruse the papers in a former action between the plaintiff and Manoli, concerning the same property.

The point raised before us was, as to whether the plaintiff had proved a title by prescription, but a further question presented itself to our minds, viz.: as to whether at the time this vineyard was sold to the plaintiff registration was necessary. The law which first required registration of mulk properties is dated 28 Rejeb, 1291, or 28 August, 1290, [Destour, Vol. III., p. 447], and is thus some two or three years subsequent to the date of the sale by the defendant Manoli to the plaintiff. The only requisites to a valid sale prior to this law are those contained in the Mejjellé, and they all seem to have been complied with in this case.

We therefore think that, apart from the question of prescription, the sale of this vineyard to the plaintiff was valid and that he is entitled to the relief he asks in this action.

*Appeal dismissed with costs.*

BOVILL,  
C.J.  
&  
SMITH, J.  
HJ. CHRIS-  
TODOULO HJ.  
YANAKI  
v.  
MANOLI  
HARALAMBI  
SOLIATI AND  
THEODORI  
MICHAEL

July 2