

1955
Sept. 27

TAKIS
GALATARIOTIS

v.
CHARALAMBOS
POLEMITIS
AND ANOTHER

[ZEKIA J. and ZANNETIDES, J.]
(September 27, 1955)

TAKIS GALATARIOTIS of Limassol, *Appellant*,

v.

1. HARALAMBOS POLEMITIS of Limassol,
 2. ELPINIKI HAR. POLEMITIS of Limassol, *Respondents*.
- (Civil Appeal No. 4140)

Costs—Cases under Rent Control Law—Costs need not follow event.

In cases concerning the legislation to restrict increases of rent, costs do not necessarily follow the event:

Bensusan v. Bustard (1920) 3 K.B.

Appeal by defendant from the judgment of the District Court of Limassol (Action No. 950/54).

K. Talarides for the appellant.

M. Houry for the respondents.

ZEKIA, J.: (The judgment first dealt with two grounds of appeal that do not call for report).

The learned trial judge ordered the defendant-appellant to pay the costs of the action. He did not give any reason in doing so; apparently he followed the practice that costs follow the event. However, in actions for the recovery of possession of premises protected by the Rent Restriction Acts the practice need not be the same. This appears from the case of *Bensusan v. Bustard* (1920) 3 K.B. and McCardie J. at page 662 explains the position: "In each case I think the county court judge should consider expressly the question of costs and not leave them to fall automatically on one party. It is not wise to make no order as to costs. It ought to be made clear why costs are imposed on the party who fails, and why a particular order as to costs should be made." In this particular case, bearing in mind that the respondent in the Court below was partly unsuccessful and that the part in which he failed protracted proceedings in the lower Court, and also respondent succeeded only on the issue of balance of hardship, we think that each party should bear its own costs here and in the Court below. We think also that the appellant should have another two months, from to-day, to stay in the premises.