

BOVILL,
C.J.
&
SMITH, J.
1892.

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

ALI EFFENDI HASSAN EFFENDI *Plaintiff,*

v.

HADJI PARASKEVOU SAVA *Defendant.*

Ex parte HADJI ELENI PAPA YANNI.

EXECUTION—LAND REGISTERED IN DEBTOR'S NAME—PRESCRIPTION—UNINTERRUPTED POSSESSION FOR MORE THAN 10 YEARS—LAND CODE, § 20.

Land registered in the name of the defendant was put up for sale in satisfaction of a judgment debt. Plaintiff claimed that the land had been given to her by defendant as dower, and that she had acquired a right to be registered as the owner by uninterrupted possession for more than 10 years.

HELD (affirming the decision of the District Court): That plaintiff had obtained a right to be registered as the owner of the land, and that the order for sale must be set aside.

APPEAL from the plaintiff from the order of the District Court of Paphos.

The plaintiff in execution of a judgment obtained against the defendant, caused a piece of land which was registered in her name to be put up for sale by auction.

Hadji Eleni Papa Yanni applied to the Court to set aside the order for sale, on the ground that the piece of land had been given to her by her mother as dower, and that she had had uninterrupted possession for 17 years.

The *bona fides* of the gift and her uninterrupted possession for 17 years, were not contested by the plaintiff.

The Court made an order exempting this piece of land from the sale.

The plaintiff appealed.

Pascal Constantinides for the appellant. The order is wrong because the land is registered in the mother's name. Under Article 20 of the Land Code the possession of 10 years which gives a title, is possession with registration.

Respondent in person.

Judgment : We took time before delivering judgment in order that we might have an opportunity of considering the judgment we gave in the case of *Ibrahim Mehmet v. Hadji Panyioti Kosmo and others* (C.L.R., Vol. I., p. 12). We there fully considered the meaning of Article 20 of the Land Code, and pointed out an inaccuracy in the French translation. We think it clear, that where a person has had uninterrupted possession for 10 years of land which has once been registered, that person acquires a title by prescription, unless he admits that he seized the land unlawfully. Here the claimant says "the land was given me by my mother." It may be unfortunate that the state of the law is as we hold it to be : but we must administer the law as we find it. In our opinion, the claimant has acquired a right to be registered as the possessor of this land; and we think the District Court was right in directing that it should be exempted from the order of sale. There was no suspicion of any fraud or collusion in this case.

Appeal dismissed.

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July 6.