

CHAMBIS TOURAPIS,

*Applicant,*

v.

NICOS CHR. PELIDES, LIQUIDATOR FOR THE  
LIQUIDATION OF THE TSERI CO-OPERATIVE SOCIETY,

*Respondent.*

(Civil Application No. 5/66).

---

*Prerogative Orders—Certiorari—An order for certiorari is made, inter alia, for breach of the rules of natural justice by an inferior tribunal or a person exercising quasi-judicial powers, who has the duty cast on him to hear both sides—Application for certiorari for breach of such rules—Against the liquidator of a Co-operative Society exercising powers under section 42 (1) of the Co-operative Societies Law, Cap. 114 (as amended).*

*Co-operative Societies Law, Cap. 114 (as amended), section 42 (1)—Liquidator's order—Rules of natural justice—Certiorari.*

This was an application for an order of certiorari to move into this Court and quash five orders, dated 1st October, 1963, ordering Applicant to pay the amounts specified therein, made by the liquidator appointed for the liquidation of the Tseri Co-operative Society who was exercising powers under section 42 (1) of the Co-operative Societies Law, Cap. 114 (as amended). The application was based on the following grounds :-

- (a) That the said orders were made contrary to the rules of natural justice.
- (b) The said orders were made contrary to Article 30.2 and 3 of the constitution.
- (c) The said orders were made contrary to section 42 of the Co-operative Societies Law, Cap. 114 (as amended).

The material facts were that the Applicant, a member of Tseri Co-operative Society, which was wound up, pursuant to section 41 of Cap. 114 (*supra*), was served by the liquidator on 1.11.66, with five orders, whereby he was ordered to pay certain sums appearing therein. It was the contention of

1967  
Feb. 13  
—  
CHAMBIS  
TOURAPIS  
v.  
NICOS CHR.  
PELIDES

Applicant that his signature appearing on certain bonds, on the basis of which the liquidator made the disputed orders, was forged by another person who had already been sentenced to imprisonment having admitted forging other signatures in connection with other bonds allegedly "due" to the Tseri Co-operative Society. Applicant further alleged that he was not given an opportunity of being heard by the liquidator.

In the course of the hearing of the application, counsel for the Respondent informed the Court that the Registrar of Co-operative Societies under the powers vested in him under section 43 (a) of Cap. 114 (*supra*), had, since the filing of this application, rescinded all five orders which formed the subject-matter of the application and ordered a retrial by the liquidator with directions that the said liquidator should give the opportunity to the applicant of being heard.

In the circumstances, counsel for Applicant withdrew, with the leave of the Court, the application for an order of certiorari.

#### **Application.**

Application for an order of certiorari to remove into the Supreme Court and quash the orders made by the liquidator for the liquidation of the Tseri Co-operative Society on the 1st October, 1963

*A. Triantafyllides*, for the Applicant.

*L. Loucaides*, counsel of the Republic, for the Respondent.

The following Ruling was delivered by .

JOSEPHIDES, J. : It is well settled that the prerogative order of certiorari is made, *inter alia*, for breach of the rules of natural justice by an inferior tribunal or a person exercising quasi-judicial powers, who has the duty cast on him of hearing both sides. In this case it would appear, on the statement of the applicant and his affidavit, that the liquidator who was exercising powers under section 42 (1) of the Co-operative Societies Law, Cap. 114 as amended, did not give the opportunity to the applicant of being heard.

Mr. Loucaides today very rightly and fairly, if I may say so, stated to the Court that the Registrar of Co-operative Societies, under the powers vested in him under section 43 (a) of the Law, has rescinded all five orders which are the subject matter of the present application and ordered a retrial by the liquidator

with directions that the said liquidator should give the opportunity to the applicant of being heard. The Registrar of Co-operative Societies has also revoked the certificate issued by him under section 44 of the Law for the enforcement of the liquidator's order by the District Court.

In these circumstances, Mr. Triantafyllides for the applicant has sought the leave of the Court to withdraw the present applications for an order of certiorari, subject to the payment of costs.

I have considered the matter and make the following order as to costs in the circumstances of this case : The costs of the present proceedings, in both Applications No. 5 and 6 of 1966,\* shall follow the event of the proceedings before the liquidator as now re-opened, but they shall not be costs against the present applicants in any event.

Both applications are dismissed. Order for costs in terms as above.

*Orders accordingly.*

1967  
Feb. 13  
—  
CHAMBIS  
TOURAPIS  
v.  
NICOS CHR.  
PELIDES

---

\**Note:* Application No. 6 of 1966 is against the same Respondent and is in respect of a similar matter.