

1968
May 28

NICOLAS
CONSTANTINOU
AND ANOTHER
v.
CHRISTINA
S. PETROU
AND ANOTHER

[VASSILIADES, P., JOSEPHIDES, STAVRINIDES,
HADJIANASTASSIOU, JJ.]

1. NICOLAS CONSTANTINOU,
2. SALAMIS ALEVROMILI Ltd.,

Applicants-Defendants,

v.

1. CHRISTINA S. PETROU INFANT THROUGH
HER FATHER AND/OR NATURAL GUARDIAN
SPYROS PETROU,
2. MAROULLA PETROU,

Respondents-Plaintiffs.

(Civil Application No. 1/68).

Civil Procedure—Action—Transfer of actions—Two actions, arising from the same road collision, pending in two different District Courts—Transfer of one of such actions so that both may be tried together—Discretionary power of the Supreme Court—The Courts of Justice Law, 1960, (No. 14 of 1960), section 61.

Practice—Trial of civil actions—Transfer of action from one District Court to another.

Cases referred to:

Photos Photiades & Co. v. Jadranska Slobodna Plovidba
1962 C.L.R. 107.

Application.

Application for the transfer of a Civil Action from the District Court of Famagusta to the District Court of Nicosia, under s. 61 of the Courts of Justice Law 1960 (No. 14 of 1960).

A. Triantafyllides, for the applicants.

L. Demetriades, for the respondents.

The judgment of the Court was delivered by :-

VASSILIADES, P.: This is an application for the transfer of a civil action from the District Court of Famagusta, to the District Court of Nicosia, under the provisions of section 61 of the Courts of Justice Law, 1960, (No. 14 of 1960). The

application was apparently prepared on behalf of the defendants, but it was also signed by the advocate for the plaintiffs to signify, we suppose, the latter's consent to the transfer sought. We take it as a joint application of all parties concerned.

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The application is supported by an affidavit sworn by one of the defendants, where it is stated that the claim in the action is for damages for personal injuries arising from a road collision between two motor vehicles; and that the same collision gave rise to another claim by the defendant in question against a third party, pending before the District Court of Nicosia under No. 312/67.

It is the case of the parties before us, as presented by counsel, that the District Court of Nicosia has concurrent jurisdiction to hear and determine the dispute in both these actions; and that the two actions could be more conveniently tried together at Nicosia, as a consolidated proceeding, at smaller expense, if they were both before that Court. The saving of public time in the trial of these actions, and the saving of expense to the litigants as well as their convenience and that of their witnesses, is the substance in the grounds on which the application for transfer is made.

The transfer of proceedings under section 61 of the Courts of Justice Law, was considered in *Photos Photiades & Co. v. Jadranska Slobodna Plovidba*, 1962 C.L.R. 107. And the discretionary power of this Court under that section was subsequently used in some cases, and refused in others, to which neither counsel have referred, nor do we find it necessary to do so now.

In the circumstances of this case, as presented to us by counsel before us, we consider that the application is justified and, exercising the Court's discretion accordingly, we make order for the transfer of action No. 233/67 from the District Court of Famagusta to the District Court of Nicosia, with costs in cause.

Order in terms.
Costs in cause.