

[TRIANTAFYLIDIS, J.]

IN THE MATTER OF ARTICLE 146 OF THE  
CONSTITUTION

NIKI CHR. GEORGHIOU (NO. 3),

*Applicant,*

*and*

THE REPUBLIC OF CYPRUS, THROUGH

1. THE MINISTER OF INTERIOR,
2. THE IMMIGRATION OFFICER,

*Respondents.*

(Case No. 254/68).

1968  
Sept. 25

NIKI CHR.  
GEORGHIOU  
(No. 3)

v.  
REPUBLIC  
(MINISTER  
OF THE INTERIOR  
AND ANOTHER)

*Appeal—Time—Extension—Application for enlargement of time for filing appeal from a decision of a single Judge of this Court exercising Revisional Jurisdiction under section 11(2) of the Administration of Justice (Miscellaneous Provisions) Law, 1964 (Law No. 33 of 1964)—Principles applicable—Application refused as no adequate grounds justifying an extension have been put forward—Especially, as this is a revisional jurisdiction case.*

*Practice—Appeal—Time—Extension of time in revisional jurisdiction cases—See above.*

*Time—Appeal—Extension—See above.*

*Revisional Jurisdiction Appeals—Time—Extension—See above.*

This is an application for enlargement of time to appeal from a decision of a single Judge of the Supreme Court dismissing on the 2nd August 1968 the Applicant's recourse made under Article 146 of the Constitution (See the said Judgment reported in this Vol. at p. 411 *ante*).

Dismissing the application, the Court:—

*Held*, (1). There are no adequate grounds in this case justifying an extension of the time for appeal; especially, as this is a revisional jurisdiction case and it is of the utmost importance in cases of such a nature that litigation should be instituted and pursued within the prescribed time limits, so that once they expire there should be finality in such matters, with consequent certainty in relation thereto, in the interests of proper and good administration.

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(2) In reaching this decision I have borne particularly in mind, in addition to the well established principles governing such applications, the views expressed in the following three cases: *Branco Salvage Ltd. and The Republic* (1967) 3 C.L.R. 213; *Loizou v. Konteatis* (1968) 1 C.L.R. 291; *The Attorney-General v. HjiConstanti* (1968) 2 C.L.R. 113.

*Application dismissed.*

*No order as to costs.*

Cases referred to:

*Branco Salvage Ltd. and The Republic* (1967) 3 C.L.R. 213;

*Loizou v. Konteatis* (1968) 1 C.L.R. 291;

*The Attorney-General v. HjiConstanti* (1968) 2 C.L.R. 113.

### Application.

Application for an extension of time within which to appeal from the Judgment of a single Judge of the Supreme Court given on the 2nd August 1972, in case No. 254/68, dismissing Applicant's recourse against the decision of the Respondents to the effect that her stay in Cyprus without a permit is illegal.

*L. Papaphilippou*, for the Applicant.

*A. Frangos*, Senior Counsel of the Republic, for the Respondents.

*Cur. adv. vult.*

The following Decision\* was delivered by:—

TRIANTAFYLIDIS, J.: In this case, which was determined by me on the 2nd August, 1968, counsel for the Applicant has filed on the 16th September, 1968,—*i.e.* 3 days after the expiry of the period laid down, for the filing of an appeal, under the relevant Rules of Court—an application for extension of the time for appeal.

I have duly considered what is stated in the affidavit dated the 16th September, 1968, in support of such application; as well as what has been submitted by learned counsel appearing for the parties.

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\* For final decision see (1968) 1 C.L.R. 411.

It is a fact that the Applicant was deported from Cyprus immediately upon Judgment been given against her on the 2nd August, 1968; but, well within the time laid down for filing an appeal, and, in any case, not later than the 1st September, 1968, her instructions for the filing of an appeal reached the office of her counsel—as he has, very frankly and fairly, stated to the Court during the hearing of this application; and upon that the grounds of appeal were prepared.

But as counsel has explained the appeal was not filed in time through a clerical oversight in his office; apparently, his staff expected to receive, also, from the Applicant a formal authorization for the filing of the appeal (see *exhibit 'A'*), which had been sent to the Applicant, earlier, for signature, and which, though dated the 28th August, 1968, it was allegedly received only on the very day when the time for appeal was expiring, *i.e.* on the 13th September, 1968. Such authorization was, however, not necessary for the filing of the appeal; and, in any case, though it was received on the last day of the period within which the appeal could be filed, and the grounds of appeal had already been prepared, no valid reason was put forward as to why the appeal was not made at once, within time.

In all the circumstances of this case I find myself unable to find that the Applicant has satisfied me of the existence of adequate grounds justifying an extension of the time for appeal; especially, as this is a revisional jurisdiction case and it is of the utmost importance in cases of such a nature that litigation should be instituted and pursued within the prescribed time limits, so that once they expire there should be finality in such matters, with consequent certainty in relation thereto, in the interests of proper and good public administration.

In reaching this decision of mine I have borne particularly in mind, in addition to the well-established principles governing such an application, the views expressed in *Branco Salvage Ltd. and The Republic*, (1967) 3 C.L.R. 213; as well as in *Loizou v. Konteatis*, (1968) 1 C.L.R. 291 and in *Attorney-General v. Hji Constanti*, (1968) 2 C.L.R. 113.

This application is, thus, dismissed.

There shall be no order as to costs.

*Orders in terms.*

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