

GEORGHIOS STYLIANOU,

*Appellant-Plaintiff.*

v.

YIANNIS NICOLA AND ANOTHER,

*Respondents-Defendants.*

—  
GEORGHIOS  
STYLIANOU  
v.  
YIANNIS NICOLA  
AND ANOTHER

(Application in Civil Appeal No. 4774).

*Civil Procedure—Appeal Dismissed for want of prosecution—Application to reinstate—Court's discretion—Reasons in support of application insufficient—Application refused—The Civil Procedure Rules, Order 35, rules 6, 21 and 22.*

*Appeal—Civil appeal—Dismissed for want of prosecution—Application for reinstatement—Court's discretion—See above.*

*Practice—See above.*

Cases referred to:

*Pavlou v. Cacoyiannis* (1963) 2 C.L.R. 405;

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

*Georghiou v. The Republic* (1968) 1 C.L.R. 411;

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

### **Application.**

Application under rule 22 of Order 35 of the Civil Procedure Rules for the reinstatement of an appeal which has been dismissed, under the same rule, for want of prosecution.

*E. Vrahimi (Mrs.)*, for the appellant.

*No appearance* for the respondents.

The following judgment was delivered by:

VASSILIADES, P.: This is an application under rule 22 of Order 35 of the Civil Procedure Rules, for the reinstatement of an appeal which stands dismissed under the same rule, for

1969

June 6

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GEORGHIOS

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want of prosecution. Counsel for the appellant described the position as resulting from an unfortunate mistake of her clerk to bring to counsel's notice in due course, the position. As observed in the course of the argument, the delay here is a matter of months.

We have had occasion to state the views of this Court regarding the reopening of proceedings which have been finalized by operation of rules or parallel statutory provisions. (See *Areti Pavlou v. George Cacoyiannis* (1963) 2 C.L.R. 405; *Loizou v. Konteatis* (1968) 1 C.L.R. 291; *Georghiou v. The Republic* (1968) 1 C.L.R. 411; *The Attorney-General v. HjiConstanti* (1968) 2 C.L.R. 113).

We have no doubt in our minds, looking at the material before us, in the light of what has been stated in the cases referred to, that the reasons put forward in support of this application cannot be considered as sufficient reasons for reinstating the appeal in the exercise of our discretion under the rule. The application must, therefore, be refused).

*Application refused.*