

[TRIANTAFYLLIDES, P., STAVRINIDES, L. LOIZOU,
HADJIANASTASSIOU, A. LOIZOU, JJ.]

ANTHIMOS PRODRMOU,

Applicant,

v.

DEMETRIOS DEMETRIOU AND OTHERS,

Respondents.

(Civil Application No. 4/74).

1974
April 23

ANTHIMOS
PRODRMOU

v

DEMETRIOS
DEMETRIOU
AND OTHERS

Civil Procedure—Action—Transfer of action—Section 61 of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960)—Road traffic accident—Actions for damages against the same defendant filed at both the District Courts of Nicosia and Paphos—Application for the transfer of the Paphos actions to Nicosia—On the basis of the balance of hardship either way no sufficient grounds shown justifying transfer applied for—Application refused.

Transfer of actions under section 61 of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960)—Application refused—See supra.

The facts sufficiently appear in the Decision of the Supreme Court refusing this application for transfer of actions pending before the Paphos District Court to the Nicosia District Court.

Application.

Application for transfer of certain actions from the District Court of Paphos to the District Court of Nicosia.

L. Papaphilippou, for applicant - defendant in all actions.

P. Sivitanides, for respondent - defendant in Actions No. 169/74 and 173/74 before the District Court of Paphos and for respondent - plaintiff in Actions Nos. 841/73 and 368/74 before the same Court.

1974
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ANTHIMOS
PRODROMOU

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Ant. Lemis, for respondents - plaintiffs in Action No. 17/74 before the said Court.

No appearance for respondents - plaintiffs in Actions Nos. 169/74 and 173/74 before the said Court (though their Counsel were duly served with notice of these proceedings).

The decision of the Court was delivered by :

TRIANTAFYLLIDES, P. : This is an application by a defendant in five actions pending before the District Court of Paphos, which were filed in relation to one and the same traffic accident which occurred in the Paphos District; in four out of the five actions the plaintiffs reside in the Paphos District.

The applicant seeks an Order, under section 61 of the Courts of Justice Law, 1960 (14/60), that all the said actions should be transferred to the District of Nicosia.

As it appears from an affidavit filed in opposition to the application the accident was investigated by the Paphos police and medical officers of the Paphos hospital will be called to give evidence.

The application for the transfer is based, mainly, on the fact that there are seven actions pending in the District Court of Nicosia against the same defendant, filed by other persons, in relation to the same accident; and that medical experts and other witnesses from Nicosia will be summoned to give evidence, in relation to both sets of actions, in Paphos and Nicosia, by the applicant, who resides in Yerolakkos, in the District of Nicosia.

It was up to the applicant to satisfy us that we should exercise our discretionary power under section 61. We do not think that he has succeeded in doing so. We are of the view that, on the basis of the balance of hardship either way, there do not exist sufficient grounds justifying the removal of the five actions concerned from the District Court of Paphos where they would normally be tried.

This application is, therefore, dismissed.

As no costs are claimed by any party, there shall be no order as to costs in the proceedings before us.

Application dismissed.
No order as to costs.

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