

[TRIANTAFYLLIDES, P., STAVRINIDES, HADJIANASTASSIOU, JJ.]  
THE ATTORNEY-GENERAL OF THE REPUBLIC,

*Appellant - Defendant,*

v.

ADAMSA LTD., THROUGH ITS TRUSTEE  
PHANOS IONIDES,

*Respondents - Plaintiffs.*

(Civil Appeal No. 5144).

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*Civil Procedure—Appeal—Grounds of appeal—Issue of unjust enrichment—Not raised by any of the grounds of appeal—Adjournment to enable filing of application for leave to amend—Civil Procedure Rules, Order 35 rule 4.*

*Appeal—Grounds of appeal—Amendment etc. supra.*

The facts sufficiently appear in the ruling of the Court granting an adjournment of the hearing of this appeal in order to enable the appellants to file the appropriate application for leave to amend the grounds of appeal so as to include therein one for the alleged unjust enrichment of the plaintiffs (respondents).

**Application.**

Application by appellant-defendant for an adjournment of the hearing of the appeal in order to be enabled to file an application for leave to amend his notice of appeal.

*A. Frangos*, Senior Counsel of the Republic, with  
*G. Constantinou (Miss)* for the appellant-defendant.

*G. Ladas*, for the respondent.

The ruling of the Court was delivered by :-

TRIANTAFYLLIDES, P.: In the course of the address of counsel for the appellant, counsel for the respondents objected that the issue of whether the finding of the trial Court as regards unjust enrichment on the part of

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the appellant was erroneous has not been raised by any one of the grounds of appeal.

Counsel for the appellant contended that this issue comes within ground 1 in the notice of appeal, which reads as follows:

“The finding of the Court whereby judgment was given for the plaintiffs is, on the material before it, wrong in law.”

In our opinion this ground of appeal is too general and vague—especially in view of the provisions of rule 4 of Order 35 of the Civil Procedure Rules—and it cannot be fairly said that an important issue such as that of unjust enrichment can be treated as having been raised by means of this ground of appeal; which, when read with the rest of the grounds of appeal that follow it should be regarded as referring only to the matters set out in detail therein.

As counsel for the appellant has made it clear that he intends to argue the issue of unjust enrichment—which is not covered by the notice of appeal—we have decided to grant him an adjournment, so that he may be enabled to apply in the proper manner for leave to amend the notice of appeal; and counsel for the respondents is entitled to oppose, if he wishes, the application for amendment.

The costs of the adjournment are awarded against the appellant.

*Order accordingly.*