

1981 November 17

[LORIS, STYLIANIDES, PIKIS, JJ.]

PIONEER CANDY LTD. AND ANOTHER,

Appellants-Defendants.

v.

STELIOS TRYFON & SONS LTD.,

Respondents-Plaintiffs.

(Civil Appeal No. 6075).

Reasoned judgment—Article 30.2 of the Constitution—Principles applicable—Elements required to render judgment a duly reasoned one totally lacking—Judgment not reasoned in the sense of Article 30.2 of the Constitution—Set aside—New trial ordered before a new bench.

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At the commencement of the hearing of this appeal counsel were invited to address the Court on the preliminary issue as to whether or not the judgment appealed from was a reasoned one; and counsel agreed that the judgment under appeal was not a duly reasoned one as mandatorily required by Article 30.2 of the Constitution.

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Held, that for the requirement of due reasoning there must be an analysis of the evidence adduced in the light of the issues as arising and defined by the pleadings, concrete findings as the necessary prelude to the judgment of the Court and a clear judicial pronouncement indicating the outcome of the case; that these elements are totally lacking in the present case; that, therefore, the judgment under appeal is not reasoned in the sense of Article 30.2; accordingly it is set aside and a new trial of the action before a new bench is ordered.

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Appeal allowed.

New trial ordered.

Cases referred to:

Ioannidou v. Dikeos (1969) 1 C.L.R. 235.

Appeal.

Appeal by defendants against the judgment of the District Court of Nicosia (Chr. Ioannides, P.D.C.) dated the 31st December, 1976 (Action No. 2461/73) whereby they were
 5 adjudged to pay to the plaintiffs the sum of £1,627.790 mils due by the defendants on account of five bills.

E. Vrahimi (Mrs.), for the appellants.

P. Sarris, for the respondent.

LORIS J. gave the following judgment of the Court. At
 10 the commencement of the hearing of the present appeal we invited the advocates appearing to address us on the preliminary issue as to whether or not the judgment appealed from, in the light of the contents of the judgment, is a reasoned one as required by Article 30.2 of the Constitution and the inherent
 15 attributes of the judicial process.

Counsel agreed that the judgment under appeal is not a duly reasoned one as mandatorily required by the Constitution.

The authorities establish that for the requirement of due reasoning, there must be:-

- 20 (a) An analysis of the evidence adduced in the light of the issues as arising and defined by the pleadings;
- (b) Concrete findings as the necessary prelude to the judgment of the Court; and,
- 25 (c) A clear judicial pronouncement indicating the outcome of the case. (*Theodora Ioannidou v. Charilaos Dikeos*, (1969) 1 C.L.R. 235).

These elements are totally lacking in the present case, a fact evident from the judgment itself.

We are, therefore, driven to the conclusion that the judgment
 30 under appeal is not reasoned in the sense of Article 30.2 of the Constitution. In fact such judgment, as pronounced, does not amount to a sufficient judicial determination of the disputes between the parties.

For all the foregoing reasons we order that the judgment
 35 under appeal be set aside and we order a new trial of the action

before a new Bench. In view of the fact that the present appeal refers to Action No. 2461/73, that is to say, to an action raised in 1973, we trust that all necessary arrangements will be made to ensure a speedy new trial.

The costs of the first trial to be costs in the cause in the new trial; the same to apply to the costs of this appeal, subject to such costs not becoming in any event costs against the appellants. 5

Appeal allowed. New trial ordered before a new Bench. Order for costs as above. 10