

CASES

DECIDED BY
THE SUPREME COURT OF CYPRUS
ON APPEAL
AND
IN ITS ORIGINAL JURISDICTION

CYPRUS LAW REPORTS

VOLUME 1 (*Civil*)

1985 January 22

[STYLIANIDES, J.]

NICOLAOS PSICHOULAS,

Plaintiff,

v.

THE SHIP "SEAGULL"

Defendant.

Ex-Parte: NORDIC BANK PLC,

Applicants:

(*Admiralty Action No. 374/84*).

Admiralty—Practice—Action in rem—Leave to intervene in the action—Principles applicable—Applicant must have an interest in the res and the res must be under arrest—Claim against ship, which was under arrest, for salaries of the master—Applicants mortgagees of the ship, under a first priority mortgage, who obtained judgment against her—

5 *Granted leave to intervene—Rule 24 of Order 12 of the Old English R.S.C. applicable by virtue of rule 237 of the Cyprus Admiralty Jurisdiction Order, 1893.*

emerges from the contents of the affidavit filed in support of this application, they are mortgagees of the defendant vessel under a first priority mortgage duly registered against the defendant-ship in the Ship's Register in Piraeus. Amounts were due under the said mortgage and the applicants obtained judgment in Action No. 358/84 of this Court. 5

The plaintiff was the master of the defendant vessel as from 28.2.84 — 12.7.84 in virtue of an agreement entered into between the owner and/or the administrator of the ship. The claim raised in this action is for salaries of the plaintiff and the crew and/or balance of salaries and contributions for N.A.T. ("Ναυτικό Απομαχικό Ταμείο") and /or damages. 10

Any judgment obtained by the plaintiff in this action may prejudicially affect the chances of the applicants for recovery under the judgment given in their favour against the defendant-ship in Action No. 358/84. The defendant-ship is under arrest by virtue of an order given by this Court. Actually a further order for appraisal and sale was during the arrest issued. 15 20

Having regard to the above the applicants satisfied the requirements for the grant of the leave sought.

On leave being granted, the intervener has to serve on the plaintiff notice of his intervention and of the order granting leave to him. 25

In view of the above, leave is granted to the applicants to intervene in this action and appear in the action as interveners. Copy of this order to be served on the plaintiff at his address for service. 30

Let there be no order as to costs.

Application granted.