

1986 January 15

[DEMETRIADES, SAVVIDES, KOURRIS, JJ.]

LOUIS MICHAELIDES
TRADING UNDER THE NAME CLEOPATRA FASHION.

Appellant-Plaintiff,

v.

R. & C. HOLDINGS LIMITED.

Respondents-Defendants.

(Civil Appeal No. 6463).

Credibility of witnesses—Findings as to—This Court will not interfere with such findings, unless they are unreasonable and not based on the evidence before the trial Court.

5 The appellant's complaint in this appeal is that the trial Court misdirected itself as to the facts of the case and that it gave no reasons for rejecting his evidence.

10 *Held, dismissing the appeal,* that this Court will not interfere with findings as to credibility, unless it is shown that they are unreasonable and not based on the evidence before the trial Court; in this case the appellant failed to persuade the Court that this is so. On the contrary the reasoning of the trial Judge was warranted by the evidence adduced.

Appeal dismissed with costs.

15 Cases referred to:

Heracleous v. Demetriou (1980) 1 C.L.R. 192.

Appeal.

20 Appeal by plaintiff against the judgment of the District Court of Nicosia (Stavrinides, D. J.) dated the 26th May, 1982 (Action No. 2973/80) whereby judgment was given

in favour of the defendants on their counterclaim for £1,000.-.

A. Danos, for the appellant.

D. Koutras, for the respondents.

DEMETRIADES J. gave the following judgment of the Court. The present appeal was filed by the plaintiff in Action No. 2973/80 after the trial Court gave judgment in favour of the defendants on their counter-claim for £1,000.-. 5

The appellant's complaint is that the trial Court, in reaching its decision, misdirected itself as to the facts of the case and that it gave no reasons for rejecting his evidence. 10

The facts of the case, as found by the trial Court, are that the appellant—who is trading under the name "Cleopatra Fashion"—is a manufacturer and trader of dresses and that in 1979, on the instructions of the respondents, he manufactured and delivered to them various quantities of dresses at the agreed price of £1,364.-. It is an admitted fact that out of this amount the respondents paid the sum of £900.- and that there remained a balance of £464.- due by them. 15 20

The appellant was aware that the dresses which were to be exported by the respondents to England had to be manufactured in accordance with a sample given to him by the respondents. When the dresses arrived in England, it was found that they were not made in accordance with the sample and as a result the respondents suffered damages. The trial Judge further found that the appellant had later agreed with the respondents to pay to them the sum of £1,000.- as damages. It is against this part of the judgment that the appellant appeals. 25 30

The appellant denied that he failed to manufacture the dresses in accordance with the sample and that he had agreed to pay to the respondents to sum of £1,000.- as compensation for his negligence. 35

In arguing his case counsel for the appellant submitted that the trial Judge, though he found that there were incon-

sistencies and contradictions in the evidence of the appellant and, also, contradictions between the evidence of the appellant and that of his witness Nicos Rossos, he failed to make specific reference to them in his judgment. Counsel further submitted that the evidence of the Managing
5 Director of the respondents was unsatisfactory:

Counsel for the respondents, in arguing the case, pointed out to the Court a great number of contradictions in the evidence of the appellant. He, also, submitted that the evidence given by P. W. 2 corroborates the evidence of the
10 Managing Director of the respondents.

It has been repeatedly stated that this Court will not interfere with the findings as to credibility made by the trial Courts, unless it is shown that these findings are unreasonable and not based on the evidence before it (see, inter
15 alia, in this respect, *Heracleous v. Demetriou*, (1980) 1 C.L.R. 192 and the case-law referred to therein).

Counsel for the appellant, in arguing this appeal, has not persuaded us that this is so in the present proceedings; on the contrary, we find that the reasoning of the trial
20 Judge in reaching his decision is warranted by the evidence adduced and, for this reason, we find that we cannot interfere with his judgment.

The appeal is, therefore, dismissed with costs.

Appeal dismissed with costs.