

IN THE MATTER OF THE APPLICATION OF  
TOUMAZOS TH. TOUMAZOU,  
*Appellant-Applicant,*  
and  
IN THE MATTER OF PERISTERONOPIGHI  
TRANSPORT CO. LTD.,  
*Respondents.*

TOUMAZOS  
TH. TOUMAZOU  
v.  
PERISTERONO-  
PIGHI  
TRANSPORT  
CO. LTD.

(Civil Appeal No. 4824).

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*Civil Procedure—Attachment of money in the hands of the Deputy Sheriff—No consent of the Attorney-General required—Civil Procedure Law, Cap. 6 section 77—Courts of Justice Law 1960 (Law of the Republic No. 14 of 1960) sections 11 (2), 12 (3), 13 and 17—The Bankruptcy Law, Cap. 5, section 45 (2)—The Companies Law, Cap. 113, section 306 (2) and (4)—The Civil Procedure Rules, Orders 40, 41 and 44.*

*Execution—Attachment of money—See supra.*

*Attachment of money—See supra.*

*Garnishee Proceedings—See supra.*

*Writ of attachment—See supra.*

Dismissing the appeal, the Court :—

*Held*, since the execution of writs for the seizure and sale of movables, passed from the District Commissioner to the Chief Registrar as Sheriff and to the Registrars of District Courts as Deputy Sheriffs, some forty years ago, the matter came under the control of the Courts ; and the practice was well settled that the consent of the Attorney-General was not required for the attachment of the proceeds from such writs while under the control of the Court officers in question. The reasons are obvious and need no elaboration.

*Appeal abandoned ; dismissed with costs.*

### **Appeal.**

Appeal by applicant against the judgment of the District Court of Famagusta (Pikis, D.J.) dated the 19th June, 1969

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TH. TOUMAZOU  
v.  
PERISTERONO-  
PIGHI  
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(Companies Petition No. 1/69) whereby it was adjudged that an amount of £110 in the hands of the garnishee be paid by him to the respondents.

*L. Papaphilippou*, for the appellant.

No appearance, for the respondents.

*Mr. Papaphilippou* : I apply for leave to abandon the appeal as an out of court settlement was reached between the parties and after I communicated with Mr. Mylonas this morning.

VASSILIADES, P.: The appeal is abandoned and on that ground may be dismissed. This, however, is no reason why we should not make use of this case to state for purposes of record that, as pointed out by the learned trial Judge in his ruling, the consent of the Attorney-General was not required for the attachment in the hands of the Deputy Sheriff.

Since the execution of writs for the seizure and sale of movables, passed from the District Commissioner to the Chief Registrar as Sheriff and to the Registrars as Deputy-Sheriffs, some forty years ago, the matter came under the control of the Courts ; and the practice was well settled that the consent of the Attorney-General was not required for the attachment of the proceeds from such writs while under the control of the court officers in question. The reasons are obvious and need no elaboration. (See section 77 of the Civil Procedure Law, Cap. 6 ; Courts of Justice Law, 1960, sections 11 (2), 12 (3), 13 and 17 ; Bankruptcy Law, Cap. 5, section 45 (2) ; Companies Law, Cap. 113, section 306 (2) and (4) ; and the Civil Procedure Rules, Orders 40, 41 and 44).

There was no foundation whatsoever, for the appeal against the decision of the District Judge ; and the appeal shall be dismissed with costs. It is now for the parties to arrange matters between them as they may think fit.

*Appeal abandoned ; dis-  
missed with costs.*