

FISHER,  
C.J.  
&  
HOLMES,  
ACTING J.  
1919

[FISHER, C.J. AND HOLMES, ACTING J.]

IN RE CLAUSE 213 OF THE CYPRUS COURTS OF JUSTICE  
ORDER, 1882.

November 5 CONTEMPT OF COURT—PENDING LITIGATION—NEWSPAPER COMMENT ON CONDUCT  
OF LITIGANT.

*While an action, claiming probate of a will under Sec. 37 of the Wills and Succession Law, 1895, was pending, a newspaper published a paragraph commenting adversely on the conduct of the Defendants in the action in opposing the claim.*

*The Defendants applied that the person responsible for the publication of the newspaper might be dealt with under Clause 213 of the Cyprus Courts of Justice Order, 1882.*

**HELD:** *That the publication of the paragraph was calculated to discredit the Defendants in the exercise of their rights as litigants, and was therefore within the provisions of the said Clause.*

This was an application under Clause 213 of the Cyprus Courts of Justice Order, 1882, which provides that "If, while any proceedings, "civil or criminal, are pending in any Court, any person shall publish "any writing . . . in reference to such proceedings calculated to prejudice "the fair trial of such proceedings or to interrupt or delay the course "of justice or to bring into contempt the Court before which such "proceedings are pending the Supreme Court may upon the application "of any party to such proceedings . . . proceed against such person "by way of attachment . . ."

The applicants were the Defendants in an action brought for probate of a will. The Respondent was the publisher of a newspaper. While proceedings in the action were pending an article appeared in the newspaper containing a paragraph of which the following is a translation:—

"The public character of the will and the social position of those "objecting to its validity evoke daily more vividly the interest of the "public which, with a just anxiety, is waiting to see to what extent "the opposing party will go in defiance of the last sacred wish of "their deceased brother and deprive the destitute infants and the "poor beneficiaries of the community of the benefit that the high "and Christian soul of C. E. of the blessed memory with liberality "bequeathed to them."

*Russell, K. A. (Chrysaftines and Clerides with him) for the Applicant.*

*Stavriniaki for the Respondent.*

*Judgment*: This is a case clearly within the evil which Clause 213 of the Cyprus Courts of Justice Order, 1882, was intended to deal with. It is an attempt to prevent parties to an action taking a course which the Law authorises them to do, namely to oppose the grant of probate of a will, under the penalty of incurring public odium. It is clearly in contempt of the Court to which the parties have submitted their differences. The words of Lord Hardwicke (*see* L.R., 7, Equity, p. 56) may be usefully quoted:—

“ Nothing is more incumbent upon Courts of justice than to preserve  
 “ their proceedings from being misrepresented; nor is there anything  
 “ of more pernicious consequence than to prejudice the minds of the  
 “ public against persons concerned as parties in cases before the cause  
 “ is finally heard. It has always been my opinion, as well as the opinion  
 “ of those who have sat here before me, that such a proceeding ought  
 “ to be discountenanced.”

The Respondent must pay a fine of £10 and the taxed costs of this application.

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