

1929.
March 28.

MOLLA
v.
HUSSEIN.

[BELCHER, C.J., DICKINSON AND SERTSIOS JJ.]

SAID MOLLA

v.

EX-KING HUSSEIN AND EX-QUEEN ADILE.

Civil Procedure—Appeal—Forma pauperis.

Applicant, plaintiff in the action, sought leave to appeal to the (full) Supreme Court *in forma pauperis* from the judgment of a Divisional Court dismissing his action (No. 119).

Held, that the Court had no power to permit such an appeal to it to be made *in forma pauperis*.

Application for leave to appeal *in forma pauperis*.

Applicant in person: cites Cyprus Digest, p. 37, No. 3, on the adoption of English practice.

N. G. Chryssafinis for respondents.

The decision of the Court was delivered by the Chief Justice.

JUDGMENT :—

BELCHER, C.J.: An adjournment was given to enable applicant to show that the Court has power to grant his application. He asks us to follow English practice, there being no local authority, and cites in support of our so doing note No. 3 in Digest, p. 37. But pauper procedure is provided for by Order 39 of our Rules of Court, which enables poor persons to sue or defend as paupers. It is plain from the wording of that Order and from the schedule to it that the proceedings therein referred to are those before the trial Court: there is no provision for the making of an appeal *in forma pauperis* similar to that which is made by Rule 31 (f) of Order 16 of the English Rules which provides for admission as a poor person on appeal of any person who had not sued or defended as such before the trial Court. In the absence of such provision in our Rules we must conclude that it was not intended to permit an appeal to be made to this Court *in forma pauperis*.

Application refused.