

pensions, and generally, and secondly as to particular documents regarding the appointment of the plaintiff: besides the usual order as to "all documents." The defendant's Manager swears there never were any general regulations in plaintiff's time, nor any particular documents affecting plaintiff's engagement, and he says he has no documents material to the case. We do not see what further disclosure he could have made. It is not as if plaintiff had specified any one or more particular documents: not only does he not do so when applying for discovery but he does not even allege in his statement of claim that he was employed on a written agreement.

*Appeal dismissed: costs in cause.*

1929.  
Dec. 13.  
NICOLAIDES  
v.  
S.O.C.

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

FATMA ISMAIL AND ANOTHER

v.

THE ATTORNEY-GENERAL.

1929.  
Dec. 18.

*Civil Procedure—Action against Crown—Fiat—Costs—Discretion of Court—C.C.J.O., 1927, Clauses 39 and 44.*

Plaintiffs obtained a fiat in respect of a writ for proceedings against the Crown, in which writ no claim was made for costs. The action was dismissed by the District Court, but plaintiffs successfully appealed to the Supreme Court which adjudged them their costs. On application by the Crown to amend the judgment on the ground that there was no power to award costs,

*Held*, that there was such power.

Application by defendant under Order XVII., Rule 2, to amend judgment of Supreme Court.

*Pavliades*, Acting Solicitor-General, for Crown: There was no claim for costs in the writ, and the fiat was limited to what we understood was asked for. There can be no amendment of a writ of summons on which a fiat has been granted.

*Fadil* for respondents (appellants in the appeal).

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

JUDGMENT:—

BELCHER, C.J.: The Court has always a discretion as to costs, even where not claimed in the writ, and the fiat here must be taken to have been given with due regard to the existence of that discretion.

*Application dismissed.*