

THE MAYOR, DEPUTY MAYOR,
COUNCILLORS AND TOWNSMEN OF
NICOSIA TOWN AS THE APPROPRIATE
AUTHORITY,

Appellants,

THE MAYOR,
AND OTHERS
OF NICOSIA

C.
CHRISTOS
KERAVNOS

v.

CHRISTOS KERAVNOS of Nicosia, *Respondent.*
(Case Stated No. 100)

*Streets—Buildings Regulations Law (Cap. 165) section 2—
Definition of “building”.*

Upon a Case Stated as to the meaning of the word “building” as defined in the Streets and Buildings Regulations Law, Cap. 165, section 2, the Supreme Court was of opinion that the word “building” is a concrete noun and does not mean the operation of building; the word “construction” in the definition also is a concrete noun and has the same meaning as the word “structure” and the meaning of that word was fully discussed in the *London County Council v. Tann* (1954) 1 A.E.R., 389. In general a structure must be one which is used for a purpose for which a building is ordinarily used and for a purpose for which the erection of a building is usually required or at least is desirable.

C. J. Myrianthis for the appellant.

F. Markides for the respondent.

The facts of the case appear in the judgment of the Court which was delivered by:

HALLINAN, C. J.: This is a case stated upon a point arising out of the definition of the word building contained in the Streets and Buildings Regulations Law (Chapter 165). The facts are not very fully stated by the learned Judge but it appears that the respondent gives instructions and lessons on the driving of motor vehicles and that on a particular plot of land within the Nicosia Municipality area he has a big show case and also two lorries no longer used as lorries; one of these he uses as an office and a larger one he uses as a room for driving lessons with all the necessary apparatus for such lessons.

The learned trial Judge considers that the word “building” as defined in section 2 cannot be so construed as to include a structure. It must be construed in the ordinary meaning of the word and he held that the show case and the two lorries were not buildings within the meaning of the Law and no permit under the Law was required to occupy and use them.

It is provided in section 2 that “building” means “any construction whether of stone, concrete, mud, iron, wood or other material and includes any.....part of a building, or anything affixed thereto, or.....other construction enclosing or delimiting or intended to enclose or delimit any land or space.”

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The word "building" which is being defined is obviously a concrete noun; it does not mean the operation of building such as it bears in a phrase like "the building of Rome took many years". It follows as a matter of logic and grammar that the word "construction" must also be a concrete noun and not refer to the act or method of construction. The word "construction" used here must have the same meaning as the word structure and the meaning of that word was fully discussed in the *London County Council v. Tann* 1954, 1 A.E.R., p. 389. However, a structure to be a "building" within the meaning of Chapter 165 must be some erection which it is the object of this Law to control. In general, a structure must be one which is used for a purpose for which a building is ordinarily used and for a purpose for which the erection of a building is usually required or at least is desirable. For example, it is common for a building to be erected in order to provide accommodation for an office or for the giving of lectures. Whether or not a show case is a building would depend on its dimensions. If a show case is so big that the space it encloses and the purpose it serves would normally be provided for by a room, then it is a building. On the other hand a show case that might be accommodated on the bench of this Court would obviously not be a building within the meaning of this Law of Chapter 165.

We consider that the case should be sent back to the learned trial Judge to determine the case afresh in the light of this opinion with liberty to either party to call fresh evidence. There will be no order as to costs.

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KYRIACOU
CHRISTOU
AND OTHERS

v.
CHRYSOULLA
PANAYIOTOU
AND OTHERS

[HALLINAN, C.J. and ZEKIA, J.]
(June 14, 1955)

KYRIACOU CHRISTOU of Limassol AND OTHERS,

Appellants,

v.

1. CHRYSOULLA PANAYIOTOU

2. SIMOS PANAYIOTOU

3. GEORGHIOS MENELAOU of Limassol,

Respondents.

(Civil Appeal No. 4138)

Tort — Fatal accident — Negligence — Assessment of compensation—Sections 15 and 53 of Civil Wrongs Law—Judgments—Court should give reasons for decision.

X and his son Y were killed by a motor car driven by the third defendant and owned by the other defendants. The plaintiffs were the widow of X and their nine children, five of whom and the widow were dependent on the earnings of X and Y. The plaintiffs sued for compensation for loss of expectation of life under section 15 of the Civil Wrongs Law and under section 53 of that Law for the pecuniary loss suffered by them from the death of X and Y.