

HUTCHIN-
SON, C.J.
&
TYSER, J.
HJ. SALIH
MIHTAT
v
DIAMANTOU
LOZA

That the Defendant or her husband paid 108 piastres on account, and that the balance had never been paid: and

That at the Yoqlama in 1877, after the agreement for purchase, the Defendant was registered as stated above.

There was evidence that shortly afterwards Molla Rejeb purported to dedicate verbally the phrakte to the Kilani Mosque.

Nothing was done to carry out the dedication legally or to cancel the Defendant's registration.

Ever since that time, that is, since about 1878 or 1880, there had been constant disputes about the ownership of the phrakte, and neither party proved any continuous occupation or possession of it.

In May, 1891, the Plaintiff's registration was effected, on the ground (as stated in the kochan) of length of possession.

Laniti for the Appellant.

Pascal and Frangoudi for the Respondent.

The Court, after setting out the facts, gave judgment as follows:

June 3

Judgment: The events which we have thus narrated, do not, in our opinion, give the Plaintiff any right to have the Defendant's registration set aside.

It is true that the balance of the purchase money agreed to be paid 25 years ago is still unpaid. But there is nothing to show that the Defendant's registration in 1877, was wrongfully made, or that it was made without the knowledge of Molla Rejeb: and we must assume, unless the contrary is shown, that the registration was properly made. It was not therefore superseded by the registration of the Plaintiff in 1891, which purports to be made on the ground of length of possession by the Plaintiff: whereas it is plain that the Plaintiff could not then have had 15 years' uninterrupted possession.

In our judgment therefore the Defendant's registration is still in force and the Plaintiff has not shown that he is entitled to have it set aside, and the appeal should be allowed and the action dismissed with costs.

The case of *Rez v. Rebeka Theori and Dimitri Solomou* reported in pages 14-16 of the original edition is no longer of any importance.