

DEMETRIS
IOANNOU
MELIOS
v.
ANDREAS
NICOLAOU

DEMETRIS IOANNOU MELIOS deceased, by the
administrators of his estate ANDREAS K. SAVVA
AND LAMBROS CHRISTODOULOU,

Appellants

v.

ANDREAS NICOLAOU,

Respondent.

(Civil Appeal No. 4445).

The Agricultural Debtors Relief Law, 1962—“ Debtor ” within the definition in section 2—The personal representative of a debtor who died prior to the enactment of that Law is not a “ Debtor ” within the meaning of that section.

Statute—Construction of—The intention of the legislator regarding every statute must be sought first in the statute itself.

The administrators of the estate of a certain Demetris Ioannou Melios who died prior to the enactment of the Agricultural Debtors Relief Law, 1962, owing money to the respondent, applied to the Agricultural Debtors Relief Court seeking relief under the provisions of the statute (*supra*) in respect of the debts of the deceased. The application was dismissed on the ground that the estate of a person who died prior to the enactment of the said Law is not a “ Debtor ” within the meaning of the word in section 2 of the statute. The applicants-administrators appealed against this dismissal.

Section 2 of the Agricultural Debtors Relief Law, 1962, reads as follows :—

«ὀφειλέτης» σημαίνει ὀφειλέτην ὅστις κατὰ τὴν ἡμερομηνίαν ἐνάρξεως τῆς ἰσχύος τοῦ παρόντος Νόμου εἶναι πολίτης τῆς Δημοκρατίας καί :—

- (α) ἐπάγεται κυρίως τὰ πρὸς τὸ ζῆν ἀναγκαῖα ἐκ τῆς γεωργίας καὶ
- (β) καταγίνεται εἰς τὴν γεωργίαν προσωπικῶς ἢ διὰ μελῶν τῆς οἰκογενείας αὐτοῦ ἢ διὰ μισθωτῶν ἐκτάκτων ἐργατῶν καὶ
- (γ) κέκτηται κατὰ κυριότητα ἀκίνητον ἰδιοκτησίαν ἢς ἡ ὑπολογιζομένη ἀξία, ὡς αὕτη δεῖκνυται ἐν τοῖς βιβλίοις τοῦ Ἐπαρχιακοῦ Κτηματολογικοῦ Γραφείου, δέν ὑπερβαίνει ἐν τῷ συνόλῳ αὐτῆς τὸ ποσὸν τῶν χιλίων πεντακοσίων λιρῶν.

The High Court in dismissing the appeal by the applicants-administrators :—

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Held, (1) this Court has repeatedly adopted the rule that the intention of the legislator regarding every statute must be sought first in the statute itself. And in this particular case, and on the point arising for decision, the intention of the legislator must be sought in the definition used, as framed and now found in section 2 of the statute (*supra*).

(2) The intention must have been to cover all cases which came within the definitions of "debt" and "debtor" in section 2; and to exclude those which could not be brought within the definitions used.

(3) We are unanimously of opinion that the definition does not cover the estate of a person who died before the law was enacted, as is the case in the present appeal; and that the decision of the trial Judge was correct.

Appeal dismissed with costs.

Appeal.

Appeal against the judgment of the Agricultural Debtors Relief Court of Nicosia (Attalides Ag. D.J.) dated the 25.5.1963 (Application No. 481/62) whereby applicants' application for relief was dismissed on the ground that the estate of the deceased debtor does not come within the definition of "Debtor" in s. 2 of the Law.

A. C. Indianos for the appellant.

L. G. Loucaides for the respondent.

WILSON, P. : Mr. Justice Vassiliades will deliver the judgment of the Court in this case.

VASSILIADES, J. : This is an appeal from the decision of a Relief Court Judge in a proceeding under the Agricultural Debtors Relief Law, 1962, whereby the application of the administrators of the estate of a deceased debtor, for relief under the provisions of the statute in question, was dismissed.

The case turned on whether the definition of a "debtor" in section 2 of the Agricultural Debtors Relief Law, covered the estate of a debtor who died prior to the enactment of the law, so as to entitle his administrators to seek relief under the statute for the debts of the deceased.

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The Relief Court Judge decided the question in the negative. His judgment reads :—

“ It is clear from the definition of “ Debtor ” s. 2 of the Law that an estate cannot seek relief under the present law and this is made even clearer from the express provision of s. 8 (4) of the law which provides that an application made under this section shall not abate by reason of the death of the debtor. The application is therefore dismissed with costs.”

The administrators of the deceased appeal from this judgment, on the ground that the trial Judge was wrong in his interpretation and application of the statute.

Learned counsel on behalf of the appellants sought to attack the decision of the Relief Court by making reference to the citizenship of the deceased debtor and his administrators—a matter which was not disputed in this case—and by submissions as to the intention of the legislature to extend relief to agricultural debtors in the Republic, by the measure in question.

This Court has repeatedly adopted the rule that the intention of the legislator regarding every statute must be sought first in the statute itself. And in this particular case, and on the point arising for decision, the intention of the legislator must be sought in the definition used, as framed and now found in section 2 of the statute. The intention must have been to cover all cases which came within the definitions of “ debt ” and “ debtor ” in section 2 ; and to exclude those which could not be brought within the definitions used.

We are unanimously of opinion that the definition does not cover the estate of a person who died before the law was enacted, as is the case in the present appeal ; and that the decision of the trial Judge was correct. The appeal is, therefore, dismissed with costs.

Appeal dismissed with costs.