

[VASSILIADES P. JOSEPHIDES & STAVRINIDES, JJ.]

1969
May 13

CHRISTODOULOS IOANNIDES AND OTHERS,

Applicants,

v.

STELIOS KALOTARIS AND OTHERS,

Respondents.

CHRISTODOULOS
IOANNIDES
AND OTHERS
v.
STELIOS
KALOTARIS
AND OTHERS

(Civil Application No. 2/69).

Civil Procedure—Action—Transfer of action from one Court to another—The Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960) section 61—Discretionary power of the Supreme Court—Matters to be taken into account in the exercise of such power—Inter alia, convenience of the parties and expense—Object of provision being to facilitate the course of justice—Five actions arising from a road traffic accident—And having a lot in common resting on more or less the same set of facts—Three actions pending in the District Court of Limassol and the other two in the District Court of Larnaca—In the circumstances of these cases the Court of Limassol will be more convenient—Order for transfer accordingly.

Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960)—Section 61—Transfer of actions—Object of the provision—To facilitate the course of justice—Power of the Supreme Court—Discretionary—See also above.

Action—Transfer of—See above.

Transfer of Actions—From one Court to another—See above.

Arising from a road traffic collision, there were pending three actions in the District Court of Limassol and two actions in the District Court of Larnaca. The application under section 61 of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960) is for all these five actions, which apparently have a lot in common resting on more or less the same set of facts, to be tried in the same Court for reasons of convenience to the parties and the saving of expense. All counsel agree that this is the best arrangement. The question is: Which of two Courts.

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Held, (1). After hearing counsel on the point, we think that the Court of Limassol will be more convenient. Therefore, the two actions in the Court of Larnaca should be transferred to the Court of Limassol.

(2) The power of this Court to order the transfer of proceedings from one Court to another under section 61 of the Courts of Justice Law, 1960 was considered in *Photos Photiades and Co. v. Jadranska Slobodna Plovidba*, 1962 C.L.R. 107; *Constantinou and Another v. Petrou and Another* (1968) 1 C.L.R. 200; *Tsiakli v. Koudounas* (1968) 1 C.L.R. 408. It is a discretionary power the exercise of which depends on the relevant circumstances in each case. Convenience and expense are matters which, *inter alia*, are taken into account. The object of the provision is apparently to facilitate the course of justice.

Application granted. Costs in cause to the extent that they may be allowed by the trial Court in each case.

Cases referred to:

Photos Photiades and Co. v. Jadranska Slobodna Plovidba, 1962 C.L.R. 107;

Constantinou and Another v. Petrou and Another (1968) 1 C.L.R. 200;

Tsiakli v. Koudounas (1968) 1 C.L.R. 408.

Application.

Application for the transfer of certain actions from the District Court of Larnaca to the District Court of Limassol.

G. Nicolaidis, for the applicants.

G. Polyviou, for respondents 4 and 5 (defendants in Actions 29/69, 1523/68, 2152/68, Limassol).

J. Mavronicolas, for respondent 3 (plaintiff in Action 293/69 Limassol):

S.G. McBride, for respondents 2 (plaintiffs in Action 2152/68, Limassol).

P. Laoutas, for respondent 1 (plaintiff in Action 1523/68, Limassol).

D. Demetriades, for respondents 4 and 5 (plaintiffs in Action Nos. 335/68, 336/68, Larnaca).

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The Judgment of the Court was delivered by:

CHRISTODOULOS
IOANNIDES
AND OTHERS
v.
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VASSILIADES, P.: Arising from a road traffic collision, there are now pending – according to the material before us – three actions in the District Court of Limassol and two actions in the District Court of Larnaca. The application is for all these five actions, which apparently have a lot in common resting on more or less the same set of facts, to be tried in the same Court for reasons of convenience to the parties and the saving of expense. The proceeding is taken under section 61 of the Courts of Justice Law, No. 14 of 1960.

All counsel representing the parties before us, in all five actions, agree that the best arrangement is for all these cases to be heard in the same Court. The question is: which of the two Courts?

After hearing counsel on the point, we think that the Court of Limassol will be more convenient, in the circumstances. Therefore, the two actions in the Court of Larnaca should be transferred to the Court of Limassol.

The power of this Court to order the transfer of proceedings from one Court to another under section 61 of the Courts of Justice Law (14 of 1960) was considered in *Photos Photiades & Co., v. Jadranska Slobodna Plovidba* 1962 C.L.R. 107; and in subsequent cases of which we may mention *Constantinou and Another v. Christina Petrou and Another* (1968) 1 C.L.R. 200; and *Tsiakli v. Koudounas* (1968) 1 C.L.R. 408. It is a discretionary power, the exercise of which depends on the relevant circumstances in each case. Convenience and expense are matters which, *inter alia*, are taken into account. The object of the provision is apparently, to facilitate the course of justice. In the proceeding before us, we think that the power in question should be exercised as indicated above.

There will be an order under section 61 of the Courts of Justice Law (14 of 1960) for the transfer of Actions 335/68 and 336/68 from the District Court of Larnaca to the District Court of Limassol. With costs in cause to the extent that they may be allowed by the trial Court, in each case.

*Application granted; order
for costs as above.*