

1981 February 25

[TRIANTAFYLIDIS, P., L., LOIZOU, HADJIANASTASSIOU,  
DEMETRIADES, SAVVIDES, JJ.]

FARAH HASSAN ASHOUR,

*Appellant—Plaintiff,*

v.

CLAUDIA MARITIME CO. LTD.

*Respondents—Defendants*

(Civil Appeal No. 6074).

*Civil Procedure—Appeal—Review of exercise of discretion—Principles applicable—Appeal against order giving security for costs—Court of appeal not satisfied that trial Court exercised wrongly its discretionary powers—Appeal dismissed.*

This was an appeal against a decision ordering plaintiff to give security for costs made under rule 185 of the Cyprus Admiralty Jurisdiction Order, 1893 in the exercise of the relevant discretionary powers of the Judge thereunder. 5

*Held*, that in accordance with well established principles this Court can interfere with the exercise of discretionary powers only if appellant has satisfied it that they were exercised wrongly ; that this Court has not been so satisfied by appellant and, therefore, it cannot interfere with the order for security for costs ; accordingly the appeal must fail. 10

*Appeal dismissed.* 15

Cases referred to :

- Karydas Taxi Co. Ltd. v. Komodikis* (1975) 1 C.L.R. 321 ;
- Hadjathanassiou v. Parperides and Others* (1975) 1 C.L.R. 401 ;
- Economou (No. 2) v. Economou* (1976) 1 C.L.R. 391 ;
- Paphitis v. Bonifacio* (1978) 1 C.L.R. 127. 20

**Appeal.**

Appeal by plaintiff against the order of a Judge of the Supreme

Court (A. Loizou, J.) dated the 23rd February, 1980, (Adm. Act. No. 407/77) whereby he was ordered to give security for costs in the sum of C£350.— in respect of the costs of the defendants.

5       C. *Myrianthis* with *M. Vassiliou*, for the appellant.

      D. *Hadjichambis* with *P. Panayi (Miss)* for the respondents.

      TRIANTAFYLIDIS P. gave the following judgment of the Court. The appellant has appealed against the decision\* of a Judge of this Court by means of which he was ordered, as the  
10 plaintiff in an admiralty action, to give security for costs in the sum of C£350, in respect of the costs that the respondents, as the defendants in the action, may eventually claim as successful defendants against the appellant.

      The complained of order was made under rule 185 of our  
15 Admiralty Jurisdiction Rules and in the exercise of the relevant discretionary powers of the Judge under such rule.

      In accordance with well established principles we can interfere with the exercise of such discretionary powers only if the appellant has satisfied us that they were exercised wrongly (see,  
20 *inter alia*, *Karydas Taxi Co. Ltd. v. Komodikis*, (1975) 1 C.L.R. 321, *Hadjiathanassiou v. Parperides and others*, (1975) 1 C.L.R. 401, *Economou (No. 2) v. Economou*, (1976) 1 C.L.R. 391, and *Paphitis v. Bonifacio*, (1978) 1 C.L.R. 127).

      We have not been so satisfied by the appellant and, therefore,  
25 we cannot interfere with the order for security for costs which was made in the present instance; and we need not go into the merits of the case on the basis of which the said order was made.

      In the result this appeal fails and it is dismissed with costs.

*Appeal dismissed with costs.*

\* See (1980) 1 C.L.R. 64.