

1981 October 22

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

ANDROULLA GEORGHIOU HAMBOUT AND OTHERS,
Appellants,

v.

MARIA CHARALAMBOUS MICHAEL AND ANOTHER,
Respondents.

(Civil Appeal No. 6094).

Reasoned judgment—Article 30.2 of the Constitution—Sufficiency of reasoning depends on circumstances of each case—Proceedings relating to grant of access over immovable property—Judgment stating only verdict of trial Court, regarding outcome of proceedings, without any reasoning in support thereof—Not duly reasoned —Retrial ordered. 5

This appeal, which related to the grant of access by the D.L.O. to the respondents over land of the appellants, was based only on one issue, namely that the judgment appealed against was not duly reasoned as required by Article 30.2 of the Constitution. 10

Held, that the general principle is that the sufficiency of the reasoning depends largely on the circumstances of each particular case; that the judgment is not duly reasoned, because what has been stated therein in respect of the matter of the access amounts, in effect, merely to a verdict of the President of the District Court regarding the outcome of the appeals against the decision of the Nicosia District Lands Office without any reasoning at all having been given in support of such verdict; and that, therefore, the judgment will be set aside and a retrial will be ordered. 15

Appeal allowed. 20
Retrial ordered.

Cases referred to:

Ioannidou v. Dikeos (1969) 1 C.L.R. 235.

Appeal.

Appeal by applicants against the judgment of the District 25

Court of Nicosia (Chr. Ioannides, P.D.C.) dated the 4th June, 1979 (Appl. Nos. 8/73, 9/73 and 10/73) whereby the decision of the Nicosia District Lands Office in relation to the grant of access by the said Office to the respondents over land of the applicants was dismissed.

L.N. Clerides, for the appellants.

Th. Ioannides with C. Emilianides, for the respondents.

TRIANTAFYLLIDES P. gave the following judgment of the Court. This is an appeal against the judgment given by the at that time President of the District Court of Nicosia in determining three similar appeals which were made against the decision of the Nicosia District Lands Office in relation to the grant of access by the said Office to the respondents in the present appeal over land of the appellants, under section 11A of the Immovable Property (Tenure, Registration and Valuation) Law, Cap. 224, as amended, *inter alia*, by the Immovable Property (Tenure, Registration, and Valuation) (Amendment) Law, 1966 (Law 10/66).

Counsel for the appellants has based his appeal on only one issue, namely that the judgment in question is not duly reasoned as required by Article 30.2 of the Constitution.

This Court had on past occasions the opportunity to deal with what is considered to be sufficient reasoning of judgments; and the general principle is that the sufficiency of the reasoning depends largely on the circumstances of each particular case.

Reference may be made, in this respect, to, *inter alia*, the judgment in *Ioannidou v. Dikeos*, (1969) 1 C.L.R. 235, and to the case-law cited therein.

In the present case, having heard both counsel as regards the matter of the due reasoning of the judgment before us, we are of the opinion that, in the circumstances of this case, such judgment is not duly reasoned, because what has been stated therein in respect of the matter of the access amounts, in effect, merely to a verdict of the President of the District Court regarding the outcome of the appeals against the decision of the Nicosia District Lands Office without any reasoning at all having been given in support of such verdict.

We, therefore, have no alternative but to set aside the whole judgment and to order a retrial of the appeals in question against the decision of the Nicosia District Lands Office on all issues arising therein, because such issues are interrelated and inter-connected.

5

This appeal is, therefore, allowed with costs against the respondents.

*Appeal allowed with costs.
Retrial ordered.*