

MATRIMONIAL CAUSES RULES.

RULES OF COURT MADE UNDER THE CYPRUS COURTS OF JUSTICE
ORDERS AND LAWS, 1927 TO (No. 2) 1935, AND SECTIONS 37 AND 40 OF THE
COURTS OF JUSTICE (SUPPLEMENTARY PROVISIONS) LAW, CAP. 12.

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1. These Rules of Court may be cited as the Matrimonial Rules.

2. In these rules,

“Judge” means a Judge of the Supreme Court, and “pleading” includes petition, plea, answer, reply and rejoinder.

PART I.

PETITION. NOTICE TO APPEAR AND AFFIDAVIT VERIFYING
PETITION.

3.-(1) Proceedings in any matrimonial cause shall be commenced by filing a petition. (Forms of petition in proceedings for dissolution of marriage are given in Appendix A hereto.)

(2) In the body of the petition shall be stated :-

(a) The place and date of the marriage and the name and status of the wife before the marriage;

(b) the principal permanent addresses where the parties have cohabited within the jurisdiction;

(c) whether there is living issue of the marriage and, if so, the names and dates of birth or ages, of such issue;

(d) the occupation of the husband and the place or places of residence and of domicile of the parties to the marriage at the date of the institution of the suit;

(e) whether there have been in the Supreme Court any and, if so, what previous proceedings with reference to the marriage or on behalf of either of the parties to the marriage, and the result of such proceedings;

(f) the matrimonial offences charged set out in separate paragraphs;

(g) Where adultery is alleged, whether the petitioner has in any way been accessory to or connived at or condoned the adultery, and, where cruelty is alleged, whether the petitioner has condoned the cruelty;

(h) Whether (except in the case of a petition for restitution of conjugal rights) the petition is presented or prosecuted in collusion with the respondent or any of the co-respondents.

(3) (a) The petition shall conclude with a prayer setting out particulars of the relief claimed, including the amount of any claim for damages, any claim for costs, and, in appropriate cases, a prayer that the Court will exercise its discretion to grant a decree nisi notwithstanding the adultery of the petitioner during the marriage.

The prayer may also include a claim for-

(i) custody of the children of the marriage;

(ii) alimony pending suit;

(iii) maintenance of the children;

(iv) maintenance; or

(v) a secured provision.

(b) Every petition shall, if settled by an advocate, be signed by him. If not settled by an advocate, it shall be signed by the petitioner.

(4) A petition for restitution of conjugal rights shall further state sufficient facts to satisfy the Chief Registrar that a written demand for cohabitation and restitution of conjugal rights has been made by the petitioner upon the party to be served, and that after a reasonable opportunity for compliance

therewith, such cohabitation and restitution of conjugal rights have been withheld.

4. The petition and every copy to be served shall be indorsed in conspicuous characters with a notice to appear in form 3 set out in Appendix A hereto.

5.-(1) Every petition shall be accompanied by an affidavit made by the petitioner, verifying the facts of which he or she has personal knowledge and deposing as to belief in the truth of the other facts alleged in the petition and such affidavit shall be filed with the petition. A form of affidavit is given as form 4 in Appendix A.

(2) Where the petition contains an allegation of desertion without cause for a period of at least three years immediately preceding the presentation of the petition, this Rule shall be deemed to be complied with if the affidavit is sworn not more than fourteen days before the petition is filed, or such longer time as may be allowed by a Judge, having regard to the circumstances of the case.

PART II.

CO-RESPONDENTS.

6. In every petition for dissolution of marriage on the ground of adultery, the alleged adulterers if male shall be made co-respondents in the cause and served with a sealed copy of the petition, unless a Judge shall otherwise direct by order on application supported by affidavits.

7. The term "respondent" in these rules shall include a co-respondent so far as the same is applicable.

PART III.

SERVICE.

8. Every petitioner who has filed a petition shall forthwith obtain in the registry a sealed copy or copies of the petition indorsed with notice to appear for service upon the respondent or respondents respectively.

9. A petition shall be served personally by delivery of such a sealed copy as aforesaid upon each person to be served.

10. Service where required by these rules shall be effected by any person legally empowered to effect service of writs of summons in civil actions.

11. Service of any document on a party who has not entered an appearance must be personal service unless otherwise ordered by a Judge.

12. Where personal service cannot be effected leave to substitute some other mode of service may be granted upon an application to a Judge supported by affidavit or affidavits to include an affidavit of the person having conduct of the proceeding.

13. Any petition or decree may be served within or without Her Majesty's dominions.

14. After service has been effected a copy of the petition served with a certificate of service indorsed thereon shall be returned into and filed in the registry. A form of certificate of service is given in Appendix A, form 5.

15. When it is ordered that notice to appear to a petition shall be advertised the form of advertisement shall be settled by the Chief Registrar and the newspapers containing the advertisement shall be filed with the sealed copy of the petition.

16. A petition cannot proceed to trial unless an appearance has been entered by or on behalf of the respondents or it has been shown by affidavit filed in the registry that they have been duly served with the petition and by certificate of the Chief Registrar issued from and filed in the registry that they have not appeared.

17. An affidavit of service of a petition must be substantially in the form given as form 6 in Appendix A and in addition shall show the means of knowledge of the deponent as to the identity of the person served. A copy of the petition referred to in the affidavit must be annexed thereto and marked by the person before whom the same is sworn.

PART IV. APPEARANCE.

18. All appearances are to be entered in the registry in a book provided for that purpose and shall be accompanied by an address for service in Nicosia. Notice of such appearance must be given to the opposite party. Forms of entry of appearance and of notice of appearance are given as forms 1 and 2 in Appendix B.

19.-(1) An appearance may be entered at any time before a proceeding has been taken in default, but not afterwards except by leave of a Judge.

(2) The appearance may be under protest or limited to any proceeding in the cause in respect of which the party shall have received notice to appear: Provided that:

(a) any appearance under protest shall state concisely the grounds of protest, and;

(b) the party appearing under protest shall forthwith proceed by summons to obtain directions as to the determination of the question or questions arising by reason of such limited appearance and in default of so proceeding shall be deemed to have entered an unconditional appearance.

Directions to be given upon an appearance under protest may provide for the trial of a preliminary issue with or without stay of proceedings in the cause or for determination of the matters in question at the hearing of the cause.

PART V. INTERVENERS.

20. Where a husband is charged with adultery with a named person a sealed copy of the pleading containing such charge shall be delivered to the person with whom adultery is alleged to have been committed, but instead of being indorsed with notice to appear it shall be indorsed with notice that such person is entitled within eight days after delivery thereof to apply for leave to intervene in the cause. Such delivery and notice may only be dispensed with by order of a Judge for cause shown. A form of notice is contained in Appendix C.

21. Application for leave to intervene in any cause shall be made by summons supported by affidavit, and leave may be given with such directions as to appearance and procedure as a Judge shall think fit.

22. Parties intervening must join in the proceedings at the stage at which they find them unless otherwise ordered by a Judge.

PART VI.

STAYING PROCEEDINGS FOR RESTITUTION.

23. At any time after the commencement of proceedings for restitution of conjugal rights the respondent may apply by summons to a Judge for an order to stay the proceedings by reason that he or she is willing to resume or to return to cohabitation with the petitioner.

PART VII.

ANSWER AND SUBSEQUENT PLEADINGS.

24. A respondent who has entered an appearance may within fourteen days from the expiration of the time allowed for the entry of such appearance file in the registry an answer to the petition. A form of answer is given in Appendix D.

25.-(1) Every answer which contains matter other than a simple denial of the facts stated in the petition shall be accompanied by an affidavit made by the respondent verifying such other additional matter so far as he or she has personal knowledge thereof and deposing to his or her belief in the truth of the rest of such other additional matter, and where the respondent is husband or wife of the petitioner shall further state, except where the claim in the suit is for restitution of conjugal rights, that there is not any collusion or connivance between the parties. Such affidavit shall be filed with the answer.

(2) Where the answer of a husband alleges adultery and prays relief, the alleged adulterer must be served personally with a sealed copy thereof bearing a notice to appear in like manner as a petition. Where in such a case no relief is claimed the alleged adulterer shall not be made a co-respondent but a sealed copy of the answer shall be delivered to him indorsed with notice as under rule 20 that he is entitled within eight days after delivery thereof to apply for leave to intervene in the cause and that upon such application he may be allowed to intervene subject to such directions as shall then be given.

26. Within fourteen days from the filing and delivery of the answer the petitioner may file a reply thereto except where such answer is a simple denial, and no subsequent pleadings shall be delivered except by leave.

27. A copy of every answer and subsequent pleading shall within twenty-four hours after the same is filed be delivered to the opposite parties or their advocates.

28. A pleading may be amended by leave of the Court or a Judge obtained upon summons supported by affidavit subject to any directions which may then be given as to re-service of the amended pleading and any consequential amendments of any pleading already filed.

29. No pleading shall be amended out of time without leave of a Judge nor shall any pleading without such leave be filed out of time after a step in default has been taken-such leave to be obtained upon summons.

30. Application for further particulars of matters pleaded may be made to a Judge by summons but before applying by summons a party may apply for them by letter. The costs of such letter and of any particulars delivered pursuant thereto shall be allowable on taxation, and in dealing with the costs of any application for particulars by summons the provisions of this rule shall be taken into consideration.

All particulars, whether given under order or otherwise, shall be filed together with a verifying affidavit, and within twenty four hours after filing a copy

thereof shall be delivered to the party by whom the application for such particulars was made.

PART VIII.

SERVICE OF PLEADINGS, ETC.

31. Notices and copies of pleadings and other instruments which are required by these rules to be delivered but of which personal service is not expressly required may be delivered by leaving the same at the respective addresses furnished by or on behalf of the parties. Every notice shall be in writing and signed by the party giving it or his advocate.

32. When it is necessary to serve personally any order or decree of the Court an office copy thereof under seal of the Court must be produced and left with the party served and a copy annexed to the affidavit of service and marked as an exhibit by the Registrar before whom the affidavit of service is sworn.

PART IX.

TRIAL OR HEARING DISCRETION.

33.-(1) Before a cause is set down for trial or hearing the pleadings and proceedings in the cause shall be referred by the petitioner or any party who is defending the suit to the Chief Registrar who shall certify that the same are correct and in order or shall refer any irregularity in such pleadings or proceedings or any question arising thereon to the Judge by whom the cause is to be tried for his direction.

(2) (a) (i) In every case in which a party prays that the Court shall exercise its discretion to grant a decree nisi notwithstanding his or her adultery, the petition (or answer) shall contain a prayer to this effect;

(ii) the application for the Chief Registrar's certificate under sub-rule (1) of this rule shall state whether or not the Court will be asked to exercise its discretion on behalf of the applicant notwithstanding his or her adultery;

(iii) where the discretion of the Court is being sought by reason of the adultery of the applicant for the certificate, there shall be lodged, with the application, a statement signed by the party or his or her advocate setting forth the acts of adultery committed by him or her and all the facts which it is material for the Court to know for the purpose of the exercise of its discretion;

(iv) Where the discretion of the Court is sought by a party other than the applicant for the certificate, such party shall lodge in the registry a corresponding statement within ten days after the receipt of notice of setting down.

(b) No such statement as is mentioned in the preceding paragraph shall, except by the direction of the Judge, be open to inspection by any other party to the suit. This paragraph shall not apply to the Attorney-General as Queen's Proctor whether he is or is not a party to the suit.

(c) Where such statement contains any allegation of adultery or other matrimonial offence on the part of the other spouse which is not referable to any specific allegation in the pleading, notice of such allegation shall be given to the said spouse, provided that if the Court at the hearing is satisfied that the failure to give notice is justified the same may be dispensed with.

(d) Neither the said statement nor the said notice shall be admissible in evidence against the party lodging or giving the same respectively, except

where the party has referred to the said statement or the said notice in evidence given in open Court.

34. The petitioner after obtaining the Chief Registrar's certificate shall set the cause down for trial or hearing and within twenty-four hours thereafter give to each party in the cause for whom an appearance has been entered notice of his having done so.

If the petitioner fails so to set down within fourteen days after the granting of such certificate, any party defending the suit may proceed as the petitioner might have done.

35. No cause shall be placed in the list for trial or hearing until after the expiration of ten days from the date of setting down save with the consent of all parties to the suit or by order of a Judge.

36. The Chief Registrar shall draw up the decree of the Court which shall be signed by the Judge who presided at the trial and shall be issued under the seal of the Court.

37. After entering an appearance a respondent in a cause may without filing an answer be heard in respect of any question as to costs and a respondent who is husband or wife of the petitioner may be heard also as to custody of or access to children.

PART X.

DISCOVERY.

38.-(1) In any cause or matter a party may deliver interrogatories for the examination of an opposite party or parties by leave of a Judge to be obtained upon summons.

(2) A copy of the interrogatories proposed to be delivered shall be delivered with the summons.

(3) Interrogatories shall be answered within ten days or such other time as a Judge may appoint.

(4) A party may without affidavit apply for discovery of documents by an opposite party or parties and such opposite party or parties may be ordered to make such general or limited discovery as in the discretion of the Judge shall seem fit.

PART XI.

EVIDENCE TAKEN BY AFFIDAVIT.

39. Where a Judge has directed that all or any of the facts stated in a pleading may be proved by affidavit all affidavits sworn in pursuance of such direction shall be filed in the registry and copies thereof delivered to the other parties to the suit within such time as the Judge shall direct.

40. Application for an order for the attendance of a deponent for the purpose of being cross-examined in open Court shall be made to a Judge on summons.

PART XII.

EXAMINATION OF WITNESSES BEFORE TRIAL OR HEARING.

41.-(1) Any necessary application for an order for examination of one of the parties or of a witness who is within the jurisdiction of the Court shall be made to a Judge thereof by summons.

(2) Such examination shall be viva voce unless otherwise directed before a person to be nominated by the Judge.

(3) The other parties in the suit shall have four clear days' notice of the time and place appointed for the examination unless the Judge shall otherwise direct.

42.-(1) Application for a commission or for letters of request or for the appointment of a special examiner to examine a party or a witness who is outside the jurisdiction of the Court may be made by summons and the procedure with regard thereto shall conform as nearly as may be to the rules obtaining in civil actions in like cases. (For form of commission, see Appendix E).

(2) A wife may apply for security for her costs of such examination either at the hearing of the summons or subsequently by summons.

PART XIII.

TRIAL OF ISSUES.

43. A Judge may direct and any petitioner and any party to a cause who has entered an appearance may apply on summons to a Judge for a direction for the separate trial of any issue or issues of fact or any question as to the jurisdiction of the Court.

PART XIV.

PROCEEDINGS IN CHAMBERS.

44. All applications under these rules unless any rule expressly directs otherwise shall be made by summons. A form of summons is given in Appendix F.

45. Every summons shall be supported by affidavit and copies of all affidavits or other documents to be used at the hearing shall be delivered to the party summoned or his advocate at the time he is served with the summons.

46. A summons may be taken out by a party or at the discretion of the Chief Registrar by any other person having or claiming a right to be heard in the cause or matter.

47. The name of the cause or matter and of the advocate taking out a summons is to be indorsed thereon and a true copy of the summons is to be served on the party summoned or his advocate two clear days at least before the summons is returnable and before 6 p.m. and on Saturdays before 1 p. m.

48. On the day and at the hour named in the summons the party taking out the same shall attend at the Supreme Court. If any party to the summons do not appear after the lapse of half an hour from the time named in the summons the other party or parties may proceed in his absence.

49. Appeal from any order or decision of the Chief Registrar may be made to a Judge in Chambers by summons issued within five days of the order or decision appealed against and returnable not less than four clear days from the day of issue. Such appeal shall not act as a stay unless so ordered by a Judge.

PART XV.

RE-HEARING.

50. An application to the Court for the re-hearing of a cause heard by a Judge alone where no error of the Court at the hearing is alleged shall be heard and determined by two Judges of the Supreme Court exclusive of the Judge who sat at the hearing and shall be by notice of motion stating the grounds of the application, filed in the registry and served within six weeks after judgment, and such notice shall be a fourteen days' notice, and may be amended at any time by leave of the Court or a Judge to be obtained on summons. Application for re-hearing in any case not hereinbefore provided for must be by appeal to the Court of Appeal, and the rules relating to appeals in civil cases shall apply.

PART XVI.

PETITION FOR REVERSAL OF DECREE OF JUDICIAL SEPARATION.

51. A petition for the reversal of a decree of judicial separation shall set out the grounds on which the petitioner relies. A form of such petition is given in Appendix G.

52. Before such a petition can be filed an appearance on behalf of the party praying for a reversal of the decree of judicial separation must be entered in the cause in which the decree has been pronounced, leave to enter such appearance being first obtained upon summons.

53. A certified copy of such petition under seal of the Court shall be served personally upon the party in the case in whose favour the decree has been made who may within fourteen days file in the Supreme Court registry an answer thereto and shall on the day on which the answer is filed deliver a copy thereof to the other party in the cause or to his or her advocate.

54. All subsequent pleadings and proceedings arising from such petition and answer shall be filed and carried on in the same manner as before directed in respect of an original petition and answer thereto so far as such directions are applicable.

PART XVII.

SHOWING CAUSE AGAINST A DECREE NISI.

55.-(1) (a) When the Attorney-General desires to show cause against making absolute a decree nisi he shall enter an appearance in the cause in which such decree nisi has been pronounced and shall within fourteen days after entering appearance file his plea in the registry setting forth the grounds upon which he desires to show cause as aforesaid and within twenty-four hours of filing his plea shall deliver a copy thereof to the person in whose favour such decree has been pronounced, to his advocate.

(b) Where such plea alleges a petitioner's adultery with any named woman the Attorney-General shall deliver to each such woman personally a copy of his plea omitting such part thereof as contains any allegation in which the woman so served is not named, and such copy shall be indorsed with the notice contained in Appendix C so far as applicable; such delivery and notice may only be dispensed with by order on summons for cause shown; proof of such delivery must, unless the Court shall otherwise direct, be by affidavit to which a copy of the plea, as delivered, marked as an exhibit must be annexed; the means of knowledge of the deponent as to the identity of the person served must be shown.

(c) All subsequent pleadings and proceedings in respect of such plea shall be filed and carried on in the same manner as is hereinbefore directed in respect of an original petition except as hereinafter provided.

(2) If no answer to the plea of the Attorney-General is filed within the time limited or if an answer is filed and withdrawn or not proceeded with the Attorney-General may apply forthwith by motion to rescind the decree nisi and dismiss the petition.

(3) If the charges contained in the plea of the Attorney- General are not denied in the answer thereto the party in whose favour the decree nisi has been pronounced shall within fourteen days from the date of the Chief Registrar's certificate that the pleadings are correct and in order set down the cause for trial or hearing and within twenty-four hours afterwards shall file and give to the Attorney-General notice of his having done so.

In default of such setting down and notice the Attorney- General may apply forthwith by motion to rescind the decree nisi and dismiss the petition.

56. Any person other than the Attorney-General wishing to show cause against making absolute a decree nisi shall enter an appearance in the cause in which such decree nisi has been pronounced and within four days thereafter file affidavits setting forth the facts upon which he relies and within twenty-four hours deliver copies thereof to the party or the advocate of the party in whose favour the decree nisi has been pronounced.

57. The party in the cause in whose favour the decree nisi has been pronounced may within fourteen days after delivery of the affidavits file affidavits in answer, and the person showing cause against the decree nisi being made absolute may within fourteen days file affidavits in reply.

58. No affidavits are to be filed in rejoinder to the affidavits in reply without the leave of a Judge obtained on ex parte application.

59. The questions raised on such affidavits shall be argued in such manner and at such time as a Judge may on application upon summons direct.

PART XVIII.

DECREE ABSOLUTE.

60. Application to make absolute a decree nisi shall be made to the Court by filing in the registry a notice in writing setting forth that application is made for such decree absolute, which will thereupon be pronounced in open Court at a time appointed for that purpose. In support of such application it must be shown by affidavit filed with the said notice that search has been made in the proper books at the registry up to within six days of the time appointed, and that at such time no person had intervened or obtained leave to intervene in the cause, and that no appearance has been entered nor any affidavits filed on behalf of any person wishing to show cause against the decree nisi being made absolute; and in case leave to intervene had been obtained, or appearance entered or affidavits filed on behalf of such person, it must be shown by affidavit what proceedings, if any, have been taken thereon. A form of affidavit is given in Appendix H.

If more than twelve calendar months have elapsed since the date of the decree nisi an affidavit by the petitioner giving reasons for the delay must be filed.

PART XIX.

ALIMONY.

61. A wife who is petitioner in a cause after filing her petition may file and after serving such petition may serve a petition for alimony pending suit, and a wife after entering appearance to a petition may file and serve a petition for alimony pending suit.

62. The husband shall within fourteen days after service of a petition for alimony file his answer thereto upon oath setting out his property and income and if respondent in the cause shall before so doing enter an appearance in the cause. Such appearance may be limited to the alimony proceedings.

63. The wife, if the husband's answer is insufficient, may apply on summons for a further and better answer or for discovery of documents or for an order for the husband's attendance for cross-examination, and such order shall thereupon be made as in the circumstance of the case may appear to a Judge to be required.

64. If the answer of the husband alleges that the wife has property or income, she may within fourteen days file a reply on oath to that allegation; but the husband may not file a rejoinder to such reply without the leave of a Judge obtained on ex parte application.

65. A Judge shall investigate the averments in the petition for alimony, answer and reply in the presence of the parties or their advocates, and shall be at liberty to require the attendance of either party for the purpose of being examined or cross-examined, and to take the oral evidence of witnesses, and to require the production of any document, and to call for affidavits, and shall direct such order to issue as he shall think fit.

66. A wife who has obtained a decree for judicial separation may apply for an allotment of permanent alimony. She may proceed with such application upon the pleadings already filed on her application for alimony pending suit on giving eight days' notice to her husband or his advocate of her intention so to do. Otherwise the rules governing an application for alimony pending suit shall govern an application for permanent alimony.

67. A wife at any time after alimony has been allotted to her, whether it be alimony pending suit or permanent alimony, may file her petition supported by affidavit for an increase of the alimony allotted, by reason of the increased means of the husband or the reduction of her own means. A husband may file a petition supported by affidavit for a reduction of the alimony allotted, by reason of his reduced means or the wife's increased means. The course of proceeding in such cases shall be the same as required by these rules in respect of the original petition for alimony and the allotment thereof.

68. Permanent alimony shall unless otherwise ordered commence from the date of the final decree.

PART XX.

MAINTENANCE AND PERIODICAL PAYMENTS.

69.-(1) Application for maintenance or periodical payments on a decree for dissolution or nullity of marriage shall be made in a separate petition which may be filed at any time after decree nisi but not later than one calendar month after decree absolute except by leave to be applied for by summons to a Judge.

(2) Application for periodical payments may be made in like manner at any time after non-compliance with a decree of restitution of conjugal rights.

70. A certified copy of such petition under the seal of the Court shall be served on the husband or wife (as the case may be) or his or her advocate upon the record.

71. A party served with such petition may within fourteen days after service, and after entering an appearance thereto, file an Answer on oath and thereupon on the same day shall deliver a copy of such answer to the opposite party or his advocate.

72. If the answer of the husband alleges that the wife has property of her own, she may within fourteen days file a reply on oath to that allegation but the husband may not file a rejoinder to such reply without the leave of a Judge to be applied for ex parte.

73.-(1) Upon an application for maintenance or periodical payments the pleadings when completed shall be referred to a Judge who shall investigate the averments therein contained in the presence of the parties or their advocates, and who for that purpose shall be at liberty to require any affidavits, the production of any document, and the attendance of the husband or wife for the purpose of being examined or cross-examined, and to take the oral evidence of any witnesses, and shall direct such order to issue as to the maintenance of either party to the marriage or the children of the marriage as he shall think fit.

(2) Pending the final determination of an application for maintenance or periodical payments an interim order may be made upon such terms as shall appear to a Judge to be just and without prejudice to the order to be ultimately made.

74. The provisions of rule 67 shall be observed in cases of application for increase or reduction of payments for maintenance and of periodical payments.

PART XXI.

VALUATION OF SETTLEMENTS.

75. Applications to vary marriage settlements shall be made by petition filed after but within one calendar month of decree absolute unless such time is extended by a Judge on summons personally served on the husband or wife as the case may be, the trustees of the settlements and such other persons as the Judge shall direct. Subsequent pleadings shall be as in proceedings for maintenance. Appearance must be entered in the principal cause before an answer is filed. The hearing and investigation of every application to vary shall be conducted by the Judge in the manner prescribed in rule 73 (1) with regard to applications for maintenance.

PART XXII.

SETTLEMENT OF WIFE'S PROPERTY.

76. Application for an order for a settlement of property of a wife under the powers contained in section 24 of the Matrimonial Causes Act, 1950 (14 Geo. 6, c. 25) shall be made and 53 Vol. II, proceeded with in the manner prescribed in Rule 75 with regard 581 to applications for variation of settlements.

PART XXIII.

CUSTODY AND MAINTENANCE OF CHILDREN AND ACCESS.

77.-(1) When custody of children is claimed in any petition, the father, mother or guardian, or any person who has intervened in the suit for the purpose of applying to be appointed guardian of such children, or who has the custody or control of such children under an order of a competent Court, may apply at any time either before or after final decree to a Judge on summons for any order relating to the custody, maintenance or education of such children or for directions that proper proceedings be taken under the Guardianship of Infants and Prodigals Law, Cap. 102.

(2) When custody of children is claimed in any petition and a petition for alimony *pendente lite*, permanent alimony, periodical payments, maintenance, settlement, or variation of settlement has been filed and is pending in such suit, applications for maintenance for children may be made from time to time to a Judge on summons.

(3) Applications with regard to access to children may be made to a Judge on summons.

PART XXIV.

GUARDIANS AD LITEM.

78.-(1) A minor who has attained the age of seven years if he is without a guardian competent to sue or defend may elect a guardian ad litem for the purpose of any proceeding on his or her behalf.

(2) A guardian for an infant under the age of seven years may be assigned by a Judge upon an ex parte application supported by affidavits.

(3) The election, the consent of the guardian to act, and an affidavit showing fitness and no contrary interest, must be filed in the registry before an elected guardian can be permitted to file a petition or enter an appearance on behalf of the minor.

79. An administrator (duly appointed under the law for the time being in force) of the property and affairs of any person of unsound mind may prosecute, defend, or intervene in a suit on behalf of such person or otherwise represent him; but if there be no such Administrator application on affidavit shall be made ex parte to a Judge who will assign a guardian to the person of unsound mind. If the opposite party is already before the Court the application shall be upon summons.

PART XXV.

SUBPOENAS.

80. All subpoenas in causes and matters to which these rules apply shall issue out of the Supreme Court registry.

PART XXVI.

ATTACHMENT AND COMMITTAL.

81. Application for attachment or committal shall be made to a Judge by motion.

82. Any person attached or committed may apply for his or her discharge by motion to a Judge.

PART XXVII.

ENFORCEMENT OF ORDERS.

83.-(1) In default of payment to any person of any sum of money at the time appointed for payment thereof by any order of the Court (made in the exercise of its matrimonial jurisdiction) then, for the purpose of issuing execution under such order, application may be made ex parte to a Judge for transfer of the order to a District Court. The application shall be supported by affidavit of service of the order and of non-payment and of the existence within the jurisdiction of the particular District Court to which the order is sought to be transferred of property of the person in default which can be taken in execution. If the application is granted, then, upon lodgment in the registry of the District Court named of a sealed copy of the order transferred together with a sealed copy of the order directing transfer, execution shall issue from such registry in the same manner as execution of a judgment of a District Court as if leave for the issue of such execution had been granted by the District Court.

(2) A decree or order requiring a person to do an act thereby ordered shall state the time within which the act is to be done, and the copy to be served upon the person required to obey the same shall be indorsed with a memorandum in the words or to the effect following, viz.: "If you within named (A.B.) neglect to obey this order by the time therein limited you will be liable to process of execution for the purpose of compelling you to obey the same".

PART XXVIII.

OFFICE COPIES, EXTRACTS, ETC.

84. The Chief Registrar shall have the custody, subject to direction by the Chief Justice, of all pleadings and other documents brought in or filed and of orders and decrees made in any matter or suit.

85. Copies or extracts of documents originals of which are retained in the registry will, if required, be examined with the originals from which the same are copied. Every copy so required to be examined shall be certified under the hand of the Chief Registrar to be a true copy and the seal of the Court will not be affixed to any copy which is not so certified.

PART XXIX.

TIMES FIXED BY THESE RULES.

86. The time fixed by these rules for the performance of any act may be varied by order of a Judge subject to such qualifications and restrictions and on such terms as upon the application for variation may be deemed fit.

PART XXX.

MOTIONS.

87. When it is necessary to give notice of any motion to be made to the Court such notice shall be served on all parties who may be affected by the proposed order and who shall have entered an appearance four clear days previously to the hearing of such motion, and a copy of the notice so served shall be filed in the registry and the affidavits to be used in support of the motion and original documents, referred to therein or intended to be used at the hearing of the motion shall at the same time be left in the registry. Copies of such affidavits or documents shall be delivered at the same time that the notice of motion is served to the parties who are entitled to be heard upon the motion.

PART XXXI.

TAXING BILLS OF COSTS.

88. All bills of costs shall be referred to the Chief Registrar for taxation and may be taxed by him without any special order for that purpose. Such bills shall be filed in the registry. Notice of the time appointed for taxation will be forwarded to the party filing the bill at the address furnished by such party who shall give the other party or parties to be heard on the taxation thereof at least one clear day's notice of such appointment and shall at the same time or previously deliver to him or them a copy or copies of the bill to be taxed.

89. When an appointment has been made by the Chief Registrar for taxing any bill of costs and any party to be heard. on the taxation does not attend at the time appointed the Chief Registrar may nevertheless proceed to tax the bill after the expiration of a quarter of an hour upon being satisfied by affidavit or otherwise that the parties not in attendance had due notice of the time appointed.

90. The bill of costs of any advocate will be taxed on his application as against his client after sufficient notice given to the person or persons liable for the payment thereof, or on the application of such person or persons after sufficient notice given to the advocate.

91. In divorce and matrimonial causes advocates shall be entitled to charge and be allowed costs at the rates set forth in Part II of Appendix B to the Civil Procedure Rules, for civil actions between one hundred and two hundred pounds, proceedings in the first instance being treated as if they were matters before the District Court.

92. The fees payable on the taxation of any bill of costs shall be paid by the party on whose application the bill is taxed and shall be allowed as part of such bill. If more than one-sixth of the amount of any bill of costs taxed as between advocate and client is disallowed on taxation thereof no costs incurred in such taxation shall be allowed and the party on whose application the bill is taxed shall be at liberty to deduct the costs incurred by him in the taxation from the amount of the bill as taxed, if so much remains due; otherwise the same shall be paid by the advocate to the person on whose application the bill is taxed.

93. Upon the Chief Registrar's certificate as to costs being signed an order of the Court for payment of the amount within seven days or such other time as the Court or a Judge shall direct may issue.

PART XXXII.

WIFE'S COSTS.

94. After the Chief Registrar's certificate that the pleadings are in order has been given, or at an earlier stage of a cause by order of a Judge to be obtained on summons, a wife who is petitioner or has filed an answer may file her bill or bills of costs for taxation as against her husband and the Chief Registrar shall ascertain what is a sufficient sum of money to be paid into Court or what is a sufficient security to be given by the husband to cover the costs of the wife of and incidental to the hearing of the cause, and may thereupon unless the husband shall prove to the satisfaction of the Chief Registrar that the wife has sufficient separate estate or show other good cause, issue an order upon the husband to pay her costs up to the setting down of the cause and to pay into Court or secure the costs of the hearing within a time to be fixed by the Chief Registrar. The Chief Registrar may in his discretion order the costs up to setting down to be paid into Court.

95. The bond taken to secure the costs of a wife of and incidental to the hearing of a cause shall be filed in the registry and shall not be delivered out or be sued upon without the direction of the Chief Registrar.

96. The order for payment of costs in which a respondent or co-respondent has been condemned by a decree nisi if drawn up before the decree nisi is made absolute, shall direct payment into Court, and such costs shall not be paid out of Court to the party entitled to receive them under the decree nisi until the decree absolute has been obtained; but a wife who is unsuccessful in a cause, and who at the hearing of the cause has obtained an order of the Judge for costs may nevertheless proceed at once to obtain payment of such costs after allowance thereof on taxation.

PART XXXIII.

PAYMENT OF MONEY INTO OR OUT OF COURT.

97. Payment of money into or out of Court shall be governed by the same rules as in civil proceedings.

PART XXXIV.

RENEWAL OF PETITION. WANT OF PROSECUTION.

98.-(1) No petition shall be in force for more than twelve months from the day of its issue including that day; but if the respondent or co-respondent named in it has not been served, the petitioner may, before the twelve months expire, apply for an order to renew the petition; and a Judge, if satisfied that reasonable efforts have been made to serve such respondent or co-respondent, or for other good reasons, may order that the petition be renewed for six months from the date of such renewal inclusive, and so from time to time during the currency of the renewed petition. And the petition shall in such case be marked in red ink by the Chief Registrar with the words "Renewed by order dated the day of, 19", or words to the like effect.

(2) After a petition is renewed every office copy used for service shall bear a copy of the words on the original petition indicating that it has been renewed.

99.-(1) If the respondent or co-respondent shall fail to appear within the time limited for appearance, and the petitioner shall fail to proceed upon such default for one month after the expiration of the time so limited, a Judge may direct the Chief Registrar to give notice to the petitioner requiring him so to proceed within fourteen days after the giving of the notice, and informing him that upon failure so to proceed within the fourteen days aforesaid the petition shall stand dismissed for want of prosecution.

(2) Upon failure so to proceed within the fourteen days aforesaid, or within such extended time as may be allowed, the petition shall stand dismissed for want of prosecution but without prejudice to the filing of a fresh petition, and the Chief Registrar shall forthwith lay the file of the petition before a Judge, who shall endorse it with a note to that effect.

(3) The notice from the Chief Registrar mentioned in paragraph (1) of this Rule shall be served at the petitioner's address for service, and a copy thereof shall be sent by post to the petitioner, if he has furnished an address in Cyprus; and the fourteen days mentioned in the notice shall be reckoned as from the day of service or posting, whichever be the later. An affidavit of service and posting shall be filed.

100.-(1) If the respondent or co-respondent shall fail to file in the Registry an answer to the petition within the time allowed for that purpose, and the

petitioner shall fail to proceed upon such default for one month after the expiration of the time so limited, a Judge may direct the Chief Registrar to give notice to the petitioner requiring him so to proceed within fourteen days after the giving of the notice, and informing him that upon failure so to proceed within the fourteen days aforesaid the petition shall stand dismissed for want of prosecution.

(2) Upon failure so to proceed within the fourteen days aforesaid, or within such extended time as may be allowed, the petition shall stand dismissed for want of prosecution but without prejudice to the filing of a fresh petition, and the Chief Registrar shall forthwith lay the file of the petition before a Judge, who shall endorse it with a note to that effect.

(3) The provisions of paragraph (3) of Rule 99 shall apply mutatis mutandis to a notice under this Rule.

101.-(1) If the petitioner shall fail to apply under Rule 34 to set the cause down for trial or hearing for three months after the close of the pleadings, a Judge may direct the Chief Registrar to give notice to the petitioner requiring him to apply under Rule 34 within fourteen days after the giving of the notice and informing the petitioner that upon failure to apply within the fourteen days aforesaid the petition shall stand dismissed for want of prosecution.

(2) Upon failure to apply within the fourteen days aforesaid, or within such extended time as may be allowed, the petition shall stand dismissed for want of prosecution but without prejudice to the filing of a fresh petition, and the Chief Registrar shall lay the file of the petition before a Judge, who shall endorse it with a note to that effect.

(3) The provisions of paragraph (3) of Rule 99 shall apply mutatis mutandis to a notice under this Rule.

PART XXXV.

PRACTICE OR PROCEDURE NOT OTHERWISE PROVIDED FOR.

102. In any matter the practice or procedure in regard to which is not governed by law or provided for by these rules the practice and procedure of the Supreme Court of Judicature in England in respect of like matters shall apply.

APPENDIX A.

FORM 1.

HUSBAND'S PETITION FOR DISSOLUTION OF MARRIAGE.

(Rule 3.)

In the Supreme Court of Cyprus.

Matrimonial Jurisdiction.

Dated the day of, 19

The petition of A.B. (suing as a poor person-*if this is the case*) showeth-

(1) That your petitioner was on the day of, 19lawfully married to C.E. then C.D. spinster (or widow as the case may be) (hereinafter called the respondent) at (here copy accurately the name of the place from the marriage certificate).

(2) That after his said marriage your petitioner lived and cohabited with the said respondent at and at (at least one specific address must be given. If no

address given is within the jurisdiction, state this fact) and that there is no issue of the said marriage, now living or that there is issue of the said marriage, now living children, to wit (here state names and dates of birth of the children).

(3) That your petitioner resides at (here give specific address) and is a (here state occupation) and is domiciled in Cyprus. That the said respondent resides at and is domiciled in Cyprus.

(4) That neither your petitioner nor the said respondent is a member of the Greek-Orthodox Church nor was their marriage celebrated in accordance with the rites of that church.

(5) That neither your petitioner nor the said respondent is of the Moslem faith nor was their marriage contracted in accordance with the Moslem Sacred Law before the 28th day of May, 1951, nor was it, after that date, solemnized in accordance with the provisions of the Turkish Family (Marriage and Divorce) Law, 1951.

(6) That no previous proceedings with reference to the said marriage have taken place in the Supreme Court of Cyprus by or on behalf of either party to the said marriage (or set out previous proceedings, the result of same and go on to state that 'save and except' these there have been no other proceedings).

(7) That the said respondent has frequently committed adultery with R.S. (or with a man unknown. See however Note A infra).

(8) That on the day of, 19, at the said respondent committed adultery with R.S. (or with a man unknown. See however Note A infra).

(The following paragraph should be inserted when applicable).

(9) That on the day of, 19, the said respondent was delivered of a child named the paternity of whom is not admitted. (See, however, Note B infra as to addition to paragraph 2 necessitated by paragraph 9.)

(10) That the petitioner has not in any way been accessory to or connived at or condoned the adultery alleged therein [or, if applicable, save and except that the petitioner condoned the adultery alleged in paragraph hereof, but that such adultery was revived by (state nature of conduct relied on as reviving the condoned offence)].

(11) That this petition is not presented or prosecuted in collusion with the respondent or the said R.S.

Your petitioner, therefore, prays that this Honourable Court will be pleased to decree (or, if applicable, that this Honourable Court will exercise its discretion in his favour and decree):-

(1) That his said marriage may be dissolved.

(2) That he may have the custody of his said child/children.

(3) That the sum of £ be paid by the said R.S. as damages in respect of the adultery committed by him with the said respondent.

(4) That the said R.S. (and/or the respondent) do pay the petitioner's costs of and incidental to these proceedings.

(5) That the petitioner may have such further and other relief as may be just.

(Signature of advocate or (if acting in person) petitioner).

The Petitioner's Address for Service in Nicosia is

Here follows the Notice to Appear as given in Form 3 which in case of petition by a husband must be addressed both to the respondent and the co-respondent specifying the address in each case.

Note A.-See Rule 6 of these Rules and section 3 (2) of the Matrimonial Causes Act, 1950 (c.25).

Note B.-Where a charge is made as in paragraph 9, then in paragraph 2, after stating the issue of the marriage, the words 'other than as set out in paragraph 9' should be added.

FORM 2.

WIFE'S PETITION FOR DISSOLUTION OF MARRIAGE.

(Rule 3.)

In the Supreme Court of Cyprus.

Matrimonial Jurisdiction.

Dated the day of, 19

The petition of A.B. (suing as a poor person-if this is the case) sheweth-

(1) That your petitioner A.B., then A.S. spinster (or widow) was on the day of, 19, lawfully married to C.B. (hereinafter called the respondent) at (here copy accurately the name of the place from the marriage certificate).

(2) (As paragraph (2) in husband's petition).

(3) That your petitioner resides at (here give specific address) and is domiciled in Cyprus. That the said respondent is a (here state occupation) and resides at (here give specific address) and is domiciled in Cyprus.

(4) That neither your petitioner nor the said respondent is a member of the Greek-Orthodox Church nor was their marriage celebrated in accordance with the rites of that church.

(5) That neither your petitioner nor the said respondent is of the Moslem faith nor was their marriage contracted in accordance with the Moslem Sacred Law before the 28th day of May, 1951, nor was it, after that date, solemnized in accordance with the provisions of the Turkish Family (Marriage and Divorce) Law, 1951.

(6) (Same as the like numbered paragraph in husband's petition).

(7) That the said respondent has frequently committed adultery (or with W.N.).

(8) That on the day of, 19, at the said respondent committed adultery with W.N. (or with a woman unknown).

(The following paragraph may be inserted where applicable).

(9) That on the day of, 19, at the said W.N. was delivered of a child of which the respondent is the father as a result of adultery committed by the respondent with the said W.N. (It is not necessary to plead the birth of such a child unless it is essential for the proof of the petitioner's case).

(10) That the petitioner has not in any way been accessory to or connived at or condoned the adultery alleged herein [if applicable, save and except that the petitioner condoned the adultery alleged in paragraph hereof, but that

such adultery was revived by (state nature of conduct relied on as reviving the condoned offence)].

(11) That this petition is not presented or prosecuted in collusion with the respondent.

Your petitioner therefore prays that this Honourable Court will be pleased to decree (or, if applicable, that this Honourable Court will exercise its discretion in her favour and decree) :-

(1) That her marriage may be dissolved.

(2) That she may have the custody of her said child/children.

(3) That the respondent (and/or the said W.N.) do pay the petitioner's costs of and incidental to these proceedings. (See Note A infra).

(4) That the petitioner may have such further and other relief as may be just.

(Signature of advocate or (if acting in person) petitioner).

Petitioner's Address for Service in Nicosia is

Here follows Notice to Appear as given in Form 3.

Note A.-If it is proposed to ask for costs against the woman charged, she must be made a respondent and the prayer must contain a specific plea for costs against her. The woman's name should form part of the title of the suit as respondent, and the copy of the petition to be served on her should be endorsed with Notice to Appear as in Form 3-in accordance with Rule 4.

FORM 3.

NOTICE TO APPEAR. (Rule 4.)

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

To of (in case of petition by a husband add "and to of "inserting name and address of co-respondent: see also Note A to Form 2 above).

Take notice that you are required within eight days after service hereof upon you, inclusive of the day of such service to enter an appearance at the Registry of the Supreme Court, Nicosia, should you think fit to do so, and thereafter to make answer to the charges in this Petition and that in default of your so doing the Court will proceed to hear the said charges proved and pronounce judgment notwithstanding your absence.

The Petition is filed and this notice to appear is issued by of

Dated at Nicosia, the day of, 19,

Chief Registrar.

Note-Any person entering an appearance must at the same time furnish an address for service.

FORM 4.

AFFIDAVIT IN SUPPORT OF PETITION.

(OTHER THAN RESTITUTION PETITIONS.) (Rule 5.)

In the Supreme Court of Cyprus.

Matrimonial Jurisdiction.

In the matter of the petition of A.B. for a (dissolution of marriage or as the case may be).

I, A.B., of, the petitioner make oath and say as follows:-

(1) That the statements set forth in paragraphs 1, 2, 3, 4, 5, 6, 9, 10 and 11 of the said petition dated the day of, 19, are true.

(2) That the statements set forth in paragraphs 7 and 8 are true to the best of my knowledge, information and belief,

Sworn, etc.

FORM 5.

CERTIFICATE OF SERVICE OF PETITION.

(Rule 14.)

This Petition was duly served by the undersigned G.H. on the within named C.B. of at on the day of, 19

(Sgd.) G.H.

FORM 6.

AFFIDAVIT OF SERVICE OF PETITION.

(Rules 16—17.)

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

A.B. against C.B. and R.S.

I, X.Y., of make oath and say, that the Petition bearing date the day of 19, filed in this Court against C.B. the Respondent (or R.S. the Co-respondent) a copy of which is hereunto annexed and marked with the letter A was duly served by me on the said C.B. (or R.S.) at on the day of, 19, by delivering to the said C.B. (or R.S.) personally a sealed copy thereof.

2. (Means of knowledge of identity to be stated here).

Sworn at on the day of, 19

Before me.

APPENDIX B.

FORM I

ENTRY OF AN APPEARANCE. (Rule 18.)

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

A.B. Petitioner against

C.B. Respondent and

R.S. Co-respondent

(The Respondent C.B. (or the Co-respondent R.S.) appears in person [or C.D. advocate for C.B. the Respondent (or for R.S. the Co-respondent) appears for the said Respondent (or Co-respondent).]

(Here insert the address for service required by rule i8.)

FORM 2.

NOTICE OF APPEARANCE (Rule 18).

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

A.B. Petitioner against C.B. Respondent and R.S. Co-respondent	To J. S. advocate for the Petitioner, Take Notice that appearance has been entered in this cause for C.B. Respondent (or for R.S. Co-respondent as the case may be).
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Dated the day of, 19

(Signed) C.D. of advocate for the said Respondent (or Co-respondent as the case may be whose- address for service is).

APPENDIX C.

NOTICE TO BE INDORSED ON PLEADINGS FOR SERVICE ON PERSON WITH WHOM HUSBAND IS CHARGED WITH COMMITTING ADULTERY. (Rule 20).

In the Supreme Court, Cyprus.

To of

(name and address of woman named).

Take Notice that you are entitled, within eight days (or as the case may be) after delivery hereof to you, inclusive of the day of such delivery, to apply upon summons for leave to enter an appearance either in person or by your advocate at the registry of the Supreme Court, Nicosia, and to intervene in this cause, should you think fit to do so and thereafter to make answer to the charges in this petition and that in default of your so doing, the Court will proceed to hear the said charges proved and to pronounce judgment notwithstanding your absence.

The petition is filed and this notice is issued by of (advocate's name and address).

Dated at Nicosia, the day of, 19

(Chief Registrar's signature).

Note.-Any person entering an appearance must at the same time furnish an address for service.

APPENDIX D.

ANSWER. (Rule 24.)

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

The day of, 19

A.B. v. C.B.

The respondent C.B. by C.D. her advocate (or in person as the case may be) in answer to the Petition filed in this cause, saith:

1. That she is not guilty of adultery as alleged in the said Petition.

2. That on the day of, 19, and on other days between that day and the said A.B., at in the District of committed adultery with K.L. (In like manner Respondent is to state connivance, condonation, or other matters relied on as a ground for dismissing the Petition).

Wherefore the Respondent humbly prays that this Honourable Court will be pleased to reject the prayer of the said Petition and decree, etc.

APPENDIX E.

COMMISSION FOR EXAMINATION OF WITNESSES.

(Rule 42.)

In the Supreme Court, Cyprus.

Matrimonial Jurisdiction.

Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith, to (here set forth the name and proper description of the Commissioner), Greeting.

Whereas a certain cause is now depending in the above-named Court between A.B., Petitioner, and C.B., Respondent, and R.S., Co-respondent, wherein the said A,B, has filed his Petition praying for a dissolution of his marriage with the said C.B., (or otherwise as in the Prayer of the Petition). And whereas by an Order made in the said cause on the day of, 19, on the application of the said A.B., it was ordered that a Commission should issue under the Seal of Our said Court for the examination of (here insert name and address of one of the persons to be examined) and others as witnesses to be produced on the part of the said A.B., the Petitioner, in support of his Petition (saving all just exceptions). Now know ye that we do by virtue of this Commission to you directed, authorize you within thirty days after the receipt of this Commission at a certain time and place to be by you appointed for that purpose with power of adjournment to such other time and place as to you shall seem convenient to cause the said witnesses to come before you and to administer to the said witnesses respectively an oath truly to answer such questions as shall be put to them touching the matters set forth in the said Petition (a true and authentic copy whereof sealed with the seal of Our said Court is hereunto annexed), and such oath being administered We do hereby authorize and empower you to take the examination of the said witnesses touching the matters set forth in the said Petition, and to reduce the said examination or cause the same to be reduced into writing. And that for the purpose aforesaid you do assure for yourself some notary public or other lawful scribe as and for your actuary in that behalf if to you it should seem meet and convenient to do so. And the said examination being so taken and reduced into writing as aforesaid, and subscribed by you We do require you forthwith to transmit the said examination, closely sealed up, to the Registry of our said Supreme Court at Nicosia, Cyprus, together with this Commission. And we do hereby give you full power and authority to do all such acts, matters and things as may be necessary, lawful and expedient for the due execution of this Our Commission.

Dated at Nicosia, Cyprus, the day of, in the year of our Lord one thousand nine hundred and and in the year of Our Reign.

(Sgd.) N.S.,

Chief Registrar.

APPENDIX F.

SUMMONS. (Rule 44.)

Let the Petitioner or his advocate attend the Supreme Court, Nicosia, on day next, the day of, 19, at o'clock in the forenoon to show cause why an order should not be made that (Here set out application to be made).

To the Petitioner and to his advocate.

Dated the day of, 19

Issued by E.F., of.

Advocate for the respondent.

APPENDIX G.

PETITION FOR REVERSAL OF DECREE OF JUDICIAL SEPARATION. (Rule 51.)

In the Supreme Court, Cyprus.

The day of, 19

The Petition of A.B of showeth:

1. That the Petitioner was on the day of, 19, lawfully married to C.B. then C.D. Spinster (or Widow) at(state where the marriage took place).
2. That on the day of, the Honourable Mr. Justice X. by a final decree pronounced in a certain cause then depending in this Court, entitled C.B. against A.B. decreed as follows: to wit: (Here set out the decree).
3. That the aforesaid decree was obtained in the absence of your Petitioner, who was then residing at (State facts tending to show that the Petitioner did not know of the proceedings and further that had he known of them he might have offered a sufficient defence).
4. That there was reasonable ground for your Petitioner leaving his said wife, for his said wife (Here state any legal grounds justifying the Petitioner's separation from his wife).

Your Petitioner therefore humbly prays that this Honourable Court will be pleased to reverse the said decree.

(Sgd.)

APPENDIX H.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DECREE ABSOLUTE. (Rule 60.)

In the Supreme Court.

Matrimonial Jurisdiction.

A.B. against C.B. and R.S.

1, C.D., of, etc., Advocate for A.B. the Petitioner in this cause, make oath and say, that on the day of, 19, carefully searched the books kept in the Registry of this Court for the purpose of entering appearance, from and including the day of, 19, the day of the date of the decree nisi made in this case, to the day day of, 19, and that during such period no appearance has been entered in the said books by the Attorney-General or by or on behalf of any other person or persons whomsoever. And I further make oath and say, that I also carefully searched the books kept in the said Registry for entering the minutes of proceedings had in this cause from and including the said day of, 19, to the day of, 19, and that no leave has been obtained by the Attorney-General, or by any other person or persons whomsoever, to intervene in this cause,

and that no affidavit, instrument or other document whatsoever, had been filed in this cause by the Attorney-General or any other person whomsoever during such period, or at any other period during the dependence of this cause, in opposition to the said decree nisi being made absolute.

Sworn at, etc., on the day of, 19

Before me.