



CLIENT ALERT

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APPLICATIONS FOR A LEAVE FOR ENFORCEMENT OF JUDGMENT IN CIVIL LITIGATION

According to the decision issued by the Famagusta District Court on January 29, 2010 in the case **Barcleys Bank Plc v G.M. Papayiannis Properties Limited a.o., Case No. 368/1995**, applications concerning leave for enforcement (also known as applications for renewal of judgment) which need to be submitted in order to enable the enforcement measures to proceed when ten years after the issuance of the judgment have elapsed, shall now be made by summons and not without notice (ex parte). According to the judgment, the Court maintains discretion to allow exceptionally the application to proceed without notice, when it is satisfied by reference to certain reasons that it is not practically possible to notify the Respondents.

This decision leaves open to Respondents to apply for setting aside a leave for execution when the application was made ex parte and they were not given the right to be heard. If the Court is convinced that, after all, no exceptional circumstances were present to justify the application to proceed without notice, there is a risk for the Court to set aside the order for leave for enforcement as well as all subsequent enforcement steps taken on that basis.

For further information do not hesitate to contact us at info@kyrlaw.com.cy

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