

## LYON V. MARKS—MASTER IN CHAMBERS—MAY 26.

*Lis Pendens—Failure to Prosecute Action—Writ of Summons not Served and not Renewed—Dismissal of Action.*]—Motion by the defendants Karensky to dismiss the action for want of prosecution. The action was begun by writ issued on the 13th November, 1908. A certificate of lis pendens was registered. The writ was never served. On the 10th May, 1910, the plaintiffs began an action in a County Court for the debt sued for in this action. The Master said that this action was in effect at an end under Con. Rule 132 (1), as no order had been applied for to renew the writ. Order made dismissing the action and vacating the registry of the lis pendens. Costs reserved till after the determination of the action in the County Court, or to abide the result of that action, as the applicants may prefer. H. E. Rose, K.C., for the applicants. J .R. Code, for the plaintiffs.

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