



## **QORTI CIVILI PRIM' AWLA**

**ONOR. IMHALLEF MARK CHETCUTI LL.D.**

**Illum it-Tnejn, 11 Lulju, 2016**

Numru 13

**Rikors Guramentat Nru. 963/2015**

**Evelyn Farrugia u Rev. Fr. Daniel Farrugia  
vs**

**Global Capital Financial Management Unit Limited**

### **Il-Qorti**

Rat ir-rikors guramentat tal-atturi tat-12 ta' Ottubru 2015 li jghid hekk:

1. Illi f'Settembru, 2008 u f'Ottubru 2008, fuq parir tal-advisor u Financial Planning Manager tal-kumpanija konvenuta, Erica Caruana, l-ahwa Farrugia investew is-somom ta' liri Sterlini 28,515 u €57,000 u €55,000 fi Lifemark SA Secure Income Bond ("SIB") kif juru d-dokumenti annessi u mmarkati bhala Dok. A, Dok. B u Dok. C;
2. Illi ghall-ewwel sentejn l-esponenti kienu qed jircievu regolarment l-imghaxijiet fis-sena permezz ta' cheques, izda fl-2010 dan l-prodott ha xejra negattiva, u l-ahwa Farrugia ndunaw, sussegwentement, li dan kien prodott kumpless u intiz ghal investituri ta' esperjenza minhabba fir-riskji partikolari li kien igorr u li huma ma kienux a konoxxenza taghhom;
3. Illi l-investment li kien gie propost mill-kumpanija intimata kien gie deskritt lill-esponenti bhala wiehed "safe" tant illi l-istess advisor indikatilhom il-kelma "Secure" propju sabiex iserhilhom il-mohh li ma kienx hemm riskji fil-prodott;
4. Illi t-tlett investimenti li ghamlu l-esponenti ta' tlett sommom ta' flus differenti sar fuq perjodu ta' ffit gimghat u dan peress li huma gew konvinti mill-istess Erica Caruana li dan kien prodott li ma kienx ta' riskju ghall-flus li kienu qed jigu investiti;
5. Illi fl-2010, Lifemark SA waqfet thallas l-imghaxijiet fuq is-securities kollha taghha, inkluz fuq l-investment tal-esponenti u fil-5 ta' Marzu, 2010, ir-regolatur tal-prodott

fil-Lussemburgu kien qabbad amministraturi sabiex jiehdu hsieb il-management tal-kumpanija Lifemark SA;

6. Illi sussegwentement fl-2010 ukoll, l-esponenti gew infurmati li fl-2010 dan l-investment kien gie sospiz u li minhabba f'hekk ma kienux ser jibqghu jircievu l-imghax dovut;

7. Illi fl-2012 inbeda process legali maghruf bhala enforcement process bl-iskop li jigi mibjugh l-attiv tal-Lifemark SA u possibilment jippermetti xi hlas lura ta' investituri;

8. Illi l-esponenti rcivew hlasijiet, lura liema hlasijiet mhux qed jigu accettati minnhom, li huma percentwal zghir tal-kapital li thallas u dan kif juru d-dokumenti annessi u mmarkati bhala Dok. D1 sa D11;

9. Illi l-esponenti ahwa Farrugia t-tnejn soffrew danni kkagunati mill-kumpanija konvenuta f'cirkostanzi simili peress li l-flus investiti fil-prodott kienu t-tfaddil ta' hajjithom u certament qatt ma kienu midhla ta' investment f'riskji daqshekk elevati;

10. Illi minkejja dawn ic-cirkustanzi, il-kumpanija konvenuta investiet flushom fi prodotti komplessi fuq suq ta' traded life insurances, b'riskju elevat u li ma setghax jigu kkunsidrati bhala "suitable" u/jew "appropriate" kif fit-termini jinfthemu skond it-teknika u s-sengha tal-investment services li kieku t-testijiet ta' "suitability" u "appropriateness" saru b'mod diligenti u meqjus kif jitolbu r-regoli tal-investment;

11. Illi l-kumpanija konvenuta gabet ruhha b'mod slejali, ingust u qarrieqi fil-konfront tal-esponenti u dan fost affarijiet ohra billi r-rapprezentant taghha qatt ma spjega, jew assigura ruhu illi l-esponenti fehmu r-riskji li jgorru l-prodotti tal investment suriferiti, u addirittura zgwiida lill-esponenti dwar in-natura, riskji u karatteristici tal-istess investment u dan fost affarijiet ohra billi ddeskriva dawn il-prodotti - kemm b'mod orali kif ukoll billi ddistribwixxa brochures tal-prodotti - bhala zguri u l-ahjar fis-suq u l-aktar idonji ghalihom;

12. Illi l-kumpanija konvenuta naqset milli taqdi l-aktar standard baziku ta' diligenza ta' bonus paterfamilias li ghandu jaghmel investment services provider licenzjat mill-MFSA fit-twertieq tal-obbligazzjonijiet tieghu bhal ma hija s-socjeta konvenuta u allura bi dmirijiet naxxenti anki skond il-Kodici Civili, qabel ma tat parir lill-esponenti jinvestu f'dawn il-prodotti;

13. Illi bl-agir taghha l-kumpanija konvenuta approfittat ruhha minn nuqqas ta' taghrif u esperjenza tal-esponenti billi ttiehdulhom firem ghal dikjarazzjonijiet u kundizzjonijiet li huma ma setghux jifhmu l-portata taghhom anzi adirittura gew zgwidati ghar-rigward tal-prodotti in kwistjoni, u allura kwalsiasi kunsens f'dan is-sens gie vizzjat b'ghemil doluz u illegali minn naha tal-kumpanija konvenuta;

14. Illi ghaldaqstant, permezz tal-pariri hziema taghha u rizultat ta' agir qarrieqi kif ukoll nuqqas ta' hila u sengha, traskuragni u negligenza grossolana fit-twertieq tal-inkarigu taghha kif ukoll nuqqas ta' harsien tad-dmirijiet fiducjarji u tal-Guideliens u Regolamenti dwar l-investimenti tal-MFSA, u ragunijiet ohra li ser jigu ampjament ppruvati waqt it-trattazzjoni tal-kawza, il-kumpanija konvenuta ikkagunat danni ngenti

lill-esponenti konsistenti f'telf tal kapital u qliegħ fir-rigward ta' flus minnhom investiti tramite l-kumpanija konvenuta;

15. Illi l-kumpanija konvenuta hija responsabbli fil-ligi għad-danni u telf ingenti li soffrew l-esponenti fl-investment li għamlu;

16. Illi interpellata sabiex tersaq għal-likwidazzjoni u hlas ta' danni sofferti mill-esponenti bhala rizzultat tan-nuqaasijiet tagħha, il-kumpanija konvenuta baqgħet inadempjenti;

17. Illi għalhekk kellha ssir din il-kawza.

Tgħid għalhekk il-kumpanija konvenuta għaliex ma għandhiex din l-Onorabbli Qorti, prevja kull dikjarazzjoni ohra necessarja u opportuna, tiddeciedi billi:

(i) Tiddikjara li l-kumpanija konvenuta agixxiet b'mod skorrett u qarrieqi għaliex il-komportament tagħha jikkwalifika bhala Prattika kummercjali ngusta u qarrieqa fil-konfront tal-esponenti ahwa Farrugia;

(ii) Tiddikjara illi l-kumpanija konvenuta tat parir hazin u agixxiet b'nuqqas ta' hila u sengħa u/jew traskuragni u/jew negligenza grossolana fit-twettiq tal-inkarigu tagħha kif ukoll nuqqas ta' harsien tad-dmirijiet fiducjarji u tal-Guidelines u Regolamenti dwar l-investimenti tal-MFSA fil-konfront tal-esponenti ahwa Farrugia meta sar il-bejgħ tal-investment suriferiti;

(iii) Tiddikjara illi l-kunsens tal-esponenti ahwa Evelyn Farrugia u Rev. Fr. Daniel Farrugia gie kaptat mill-kumpanija konvenuta b'għemil doluz u ingann adoperat għad-dannu tagħhom mir-rapprezentanti tal-istess kumpanija konvenuta, kif ukoll kien rizzultat ta' zball materjali pprovokat mill-intimat fuq it-tip u l-kwalita ta' prodott li fih huma kienu qegħdin jinvestu u t-tip ta' servizz ta' investment li l-kumpanija konvenuta kienet qed tagħti lill-esponenti, u li għalhekk il-kunsens tagħhom kien vizjat u allura ma jjswiex fil-ligi;

(iv) Konsegwentement tiddikjara illi l-kumpanija konvenuta hija responsabbli fil-konfront tal-esponenti, għat-telf tal-flus kif ukoll għad-danni kollha li huma soffrew per konsegwenza tal-premess;

(v) Tillikwida l-ammont tat-telf u danni sofferti, occorrendo bin-nomina ta' periti nominandi, mill-esponenti ahwa Farrugia;

(vi) Tikkundanna lill-kumpanija konvenuta sabiex thallas lil kull wieħed mill-esponenti l-ammont hekk likwidat;

Bl-ispejjez inkluz l-ispejjez tal-lttri Ufficjali Nru. 98/2014 u bl-imghaxijiet legali skont il-ligi u bl-ingunzjoni tal-kumpanija konvenuta għas-subizzjoni.

Rat li s-socjeta konvenuta baqgħet kontumaci;

Rat l-atti u noti ta' sottomissjonijiet;

Rat li l-kawza thalliet ghas-sentenza.

## **Ikkunsidrat**

Din hi kawza ghad-danni sofferti mill-atturi naxxenti minn investimenti li ghamlu l-atturi tramite s-socjeta konvenuta liema socjeta li maghha gew investiti l-assi tal-atturi falliet sentejn wara. Huma qed jallegaw illi s-socjeta konvenuta qarqet u agixxiet b'mod skorrett mal-atturi liema komportament jikkwalifika bhala prattika kummercjali ingusta u qarrieqa; tat parir hazin u agixxiet bi traskuragni jew negligenza grossolanza fit-twettieq tad-dmirijiet fiducjarji u l-guidelines u regolamenti dwar l-investimenti tal-MFSA mill-atturi; il-kunsens tal-atturi ghall-investment gie karpit b'ghemil doluz u ingann tas-socjeta konvenuta u kien rizultat ta' zball materjali fuq it-tip u kwalita tal-prodott li fih kienu qed jinvestu, liema zball gie provokat mis-socjeta konvenuta.

## **Provi**

Il-provi attrici huma skarni. L-attrici Evelyn Farrugia prezentat affidavit fejn stqarret li hi kellha s-somma ta' €55,000 li rceviet meta ghalqitilha l-assikurazzjoni mal-Middlesea. Kellmet lil Erica Caruana tal-Global Capital biex tinvesti dawn il-flus. Kienet gia taf lil Erica Caruana fuq xi investimenti zghar li kienet ghamlet qabel. Hi insistiet bhal investimenti l-ohra li kienet ghamlet li l-investment ikun ta' ffit riskju. Giet murija leaflet tal-investment Lifelink SA Secure Income Bond u Caruana qaltilha li ismu mieghu cioe li kien sigur u setghet isserah mohha. Kienet spjegatilha li ma kienx hemm riskji kbar jew xi tip ta' problemi fuq il-bond tant li rebah awards ghal diversi snin. Qaltilha li l-imghax kienet ser tircevih b'mod regolari.

Qalet lil huha Fr. Daniel li wera interess fih. Marru kellmu lil Erica Caruana li qaltlu l-istess diskors. Fil-fatt huma ghamlu tlett investimenti fl-istess fond, wiehed bi flus l-attrici u t-tnejn l-ohra bi flus Fr. Daniel. Fiz-zewg okkazzjonijiet li kellmu lil Erica Caruana ma qratx il-kuntratt izda kellmithom biss fuq dak li kien hemm fil-leaflet.

Ziedet li meta marret wahedha biex taghmel l-investment taghha ghand Erica Caruana qaltilha li kienet ser taghmlilha appuntament biex tiffirma l-kuntratt. Meta imbaghad kellha tmur tiffirma l-kuntratt cempltilha Erica u qaltilha li ser tkun imsiefra u li l-karti kienet ser thallihom ma' kollega taghha certa Noeline Mangion. Meta marret, Neoline Mangion qaltilha li Erica Caruana kienet kellmitha fuq l-investment u meta hi rrispondiet fl-affirmattiv, giet prezentata bil-karti biex tiffirma u hi ffirmat u tatha cheque.

Wara l-ewwel sentejn waqfu jircievu cheques tal-imghax u b'itra gew infurmati li l-investment kellu problemi finanzjarji. Ma setghetx tkellem lil Erica Caruana ghax kienet telqet mill-impjieg izda meta xi zmien wara ltaqghet maghha, din qaltilha li kienet il-prassi li oltre l-paga tinghata commission fuq kull investment li tbiegh.

Huha Fr. Daniel Farrugia kkonferma li Erica Caruana qaltlu li l-investment kien sigur.

Gie esebit il-contract note maghmul mill-atturi ghat-tlett investimenti identici hlief ghall-ammonti li saru fil-Lifemark SA Secure Income Bond Issue 4.

### **Konsiderazzjonijiet fil-mertu**

Jibda biex jinghad illi l-kontumacja ma tfissirx ammisjoni tat-talba izda kontestazzjoni tat-talbiet attrici ghalkemm f'dan il-kaz il-kontestazzjoni hi wahda generika u mhix specifikata f'hiex tikkonsisti peress illi s-socjeta konvenuta tilfet id-dritt li tirrispondi ghal kawza.

Bhal kull kawza ohra l-atturi jridu jippruvaw dak li qed jallegaw b'mod li jikkonvincu moralment lil Qorti li l-fatti allegati huma minnhom u t-talbiet jirrispekkjaw il-konsegwenzi legali li jinsorgu mill-fatti accertati.

Il-Qorti ghandha tistrieħ fuq il-provi prodotti mill-atturi. Il-bazi ta' kull talba attrici tistrieħ fuq l-allegazzjoni illi l-investment propost mis-socjeta konvenuta qua service provider ma kienx sigur kif kienet ix-xewqa tal-atturi u li s-socjeta konvenuta ngannathom, qarqet bihom, naqset mir-responsabilta jew obbligi fiducjarji bhala

service provider, jew kienet negligenti fl-osservazzjoni tal-obbligi taghha u induciet lil atturi fi zball, meta ma spjegatx ir-riskju li jakkumpanja tali investment.

Ghalkemm ma giex esebit il-brochure li fuqu l-atturi accettaw li jinvestu l-flus li kellhom, jidher illi l-investment kien marbut ma' flus kontanti u portafoll ta' senior life insurance policies. Dan jirrizulta mill-contract notes esebiti a fol. 8 tal-process.

Il-Qorti ma ghandhiex raguni ghalfejn tiddubita mill-kelma tal-atturi li kienu qed jinvestu parti sostanzjali mill-assi li kellhom u li riedu investment 'safe' ghalkemm b'certu dhul minnu. L-eta mhix zghira ta' Fr. Daniel partikolarment u dik tal-attrici juru illi l-investment taghhom kien x'aktarx wiehed intiz biex idahhlu income ragonevoli bla riskju ghal kapital u mhux li jispekulaw b'gidhom.

L-atturi jixhdu illi nonostante din it-talba ghal tip ta' investment li ma jinvolvi riskji barra minn normal, ir-rapprezentanta tas-socjeta konvenuta, ma spjegatillhomx ir-riskji inerenti f'investment u partikolarment fl-investment in kwistjoni. Ma nfurmathomx fuq jekk tali investment kienx addatat ghal dak li riedu l-atturi cioe investment bi dhul regolari izda b'kaptial sigur. Hu car li l-atturi mhux negozjanti jew persuni li huma intizi fil-kummerc jew fl-investimenti finanzjarji u ghalhekk kien jinkombi fuq is-socjeta konvenuta illi tindaga u toffri prodotti li setghu jkun ta' interess ghall-atturi, bi spjegazzjoni cara ta' kull prodott, dokumentazzjoni cara u dettaljata u l-vantaggi u zvantaggi. Is-socjeta konvenuta kellha qabel kull konsiderazzjoni ohra pero tqis li kwalsiasi investment propost kellu jkun wiehed b'riskju limitat. Kull ma rrizulta mix-xiehda hu illi s-socjeta konvenuta pprezentat biss proposta wahda, bla spjegazzjoni ulterjuri tal-pros u cons fuq l-investment u minghajr ma dahlet f'dik li kienet issarraf l-istess socjeta li fiha kien qed jigi propost l-investment. Dan kollu meta r-rapprezentant tas-socjeta konvenuta kienet konsapevoli illi l-atturi kienu qed jinvestu somom konsiderevoli li kienu jikkostitwixxu prezumibilment parti sostanzjali mill-kapital taghhom li xtaqu jiprotegu.

Hu minnu illi ma jfissirx li investment li jkun sigur, dan ma jistax ifalli xorta, izda investment f'kumpaniji ta' life insurances ma jistghux jitqiesu bhala investimenti siguri ghall-ahhar. Il-Qorti tirreferi ghal dak li jghid f'artikolu publikat fl-14 ta' Frar

2014 il-Financial Conduct Authority tar-Renju Unit li jtkellem fuq traded life policy investments kif jidher li kien kostitwit dan il-fund. Jintqal hekk:

Traded life policy investments (TLPIs), which are sometimes called 'death bonds' - are complicated products generally unsuitable for the mass retail market.

They are also known as 'death bonds' because the ultimate investment is in life assurance policies, typically of US Citizens. Investors hope to benefit by buying the right to the insurance payouts upon the death of the original policyholders.

They are sometimes also known as 'traded life settlements' or 'senior life settlements'.

TLPIs may pay a regular income or can aim to grow in value over time. Most death bonds are sold as unregulated collective investment schemes (UCIS), but some take other legal forms.

Our review of sales in the TLPI market revealed high levels of unsuitable advice. We are worried that this market could grow and cause further customer losses in the future.

As a result, we have recommended that these products should not reach ordinary retail investors in the UK. This would mean that firms should not be marketing, recommending or selling these products to the mass retail market.

Il-fatt illi mix-xiehda tal-atturi, ir-rapprezentant tas-socjeta konvenuta naqset sfaccatament u inekwivokabilment milli taghti kwalsiasi informazzjoni fuq in-natura, riskji u karatteristici tal-investment b'mod li l-atturi kienu ben informati u setghu jiehdu informed decision anke jekk id-dhul kien attrajenti jwassal lil din il-Qorti biex taqbel li l-atturi kienu indotti f'investment minn nuqqas tas-socjeta konvenuta li tuza grad ta' diligenza rikjesta bhala investment services provider.

L-Investment Service Rules for Investment Service Providers - Part BII: Standard Licence Conditions applicable to Investment Services Providers regola 2.27 mahruqa a bazi tal-Kap. 370 jghidu hekk:

[t]he Licence Holder shall provide appropriate information, in a comprehensible form to its clients or potential clients such that they are reasonably able to understand the nature and risks of the Investment Service to be provided by the Licence Holder and of the specific type of Instrument that is being offered, and consequently to take investment

decisions on an informed basis. This information may be provided in standardized format and should include details about:

- a. the Licence Holder and its services;
- b. Instruments and proposed investment strategies. This should include appropriate guidance on and warnings of the risks associated with investments in those Instruments or in respect of particular investment strategies;
- c. execution venues;
- d. costs and associated charges.

Ir-regola 2.13 in oltre tistipula:

[w]hen providing investment advice or portfolio management services, the Licence Holder shall obtain the necessary information, in accordance with SLCs 2.16 to 2.20 and SLC 2.22 to 2.24 regarding the client's or potential client's knowledge and experience in the investment field relevant to the specific type, of product or service, his financial situation and his investment objectives so as to enable the Licence Holder to recommend to or, in the case of portfolio management, to effect for the client or potential client, the Investment Services and Instruments that are suitable for him

U r-regola 2.16 itteni:

[t]he Licence Holder shall obtain from clients or potential clients, such information as is necessary for the Licence Holder to understand the essential facts about the client and to have a reasonable basis for believing, giving due consideration to the nature and extent of the service provided, that the specific transaction to be recommended, or entered into in the course of providing a portfolio management service, satisfies the following criteria:

- a. it meets the investment objectives of the client in question;
- b. it is such that the client is able financially to bear any related investment risks consistent with his investment objectives;
- c. it is such that the client has the necessary experience and knowledge in order to understand the risks involved in the transaction or in the management of his portfolio

Hu minnu illi l-atturi iffirmaw il-contract note pero l-Qorti ma tqis illi l-fatt wahdu tal-firma tikkostitwixxi xi akkwiexxenza tal-konsapevolezza tal-investment u r-riskji inerenti u jekk dan kienx addatat ghalihom. Dan jinghad ghax l-istess contract note ma tiddefinix ir-riskji u kull ma tghid hu illi l-investment jista' jizdied u jonqos; kondizzjoni li tinsab f'kull investment u in oltre tali kuntratt lanqas inqara jew gie spjegat minn min kien qed johorgu. Wara kollox is-socjeta konvenuta kellha d-dmir versu l-klijent li talab is-servizzi taghha biex taghtih kull informazzjoni rilevanti biex tghinu jasal ghal decizjoni informata u libera.



Il-contract note li ffirmaw l-atturi turi l-konferma tagghom li rcevev kopja tal-brochures, prospectus u annual report tal-kumpanija u li gew spjegati lilhom. Jinghad ukoll li gew provduti b'kopja tan-nota u gwida 'investing in emerging market bonds' u li din giet rinunzjata mill-investituri. Jinghad li l-prodott gie spjegat u illi l-kaptial u d-dhul mhux fissi u li l-atturi gew provduti b'sensiela ta' prodotti u li ghazlu dan nonostante li jista' ma jkunx dak addatat.

Il-Qorti tqis illi nonostante l-firma tal-atturi fuq dan id-dokument, ma rrizultax li dan inqralhom u qabdu u ffirmawh minghajr ma gie spjegat lilhom meta kienet cara li l-intenzjoni tagghom kienet li jigu moghtija prodott sigur u mhux wiehed 'high risk' bla ebda indikazzjoni jew prova li fil-fatt xi hadd spjegalhom ezatt ghal liema tip ta' investiment kienu deklin. Il-firma tagghom ma tfissirx akkwiexxenza tar-riskji u l-ezoneru tas-service provider li fuqu tinkombi r-responsabilta u l-prova illi dan l-investment ma kienx dak mixtieq izda nonostante dan, l-investitur wera ruhu kapaci u intenzjonat jixtri dan il-prodott bis-riskji kollha li kien fih u li gew spjegati lilu b'mod car. Il-provi juru biss zewg inkontri superficjali fejn l-uniku prodott offert kien wiehed high risk bla ma gie indikat lil atturi, u illi l-contract note bi kliem zghir hafna gie ffirmat bla ma gie moqri u kwindi altru milli gie spjegat.

Fl-istess sens meta l-Qrati kkonsidraw exemption clauses f'consumer contracts intqal hekk:

Kif intqal minn din il-Qorti, Sede Inferjuri, fil-kawza Muscat v. Falzon, deciza fit-12 ta' Mejju 2003, "patt ta' ezoneru ma jezentax jekk fl-ezekuzzjoni tal-kuntratt wiehed ikun tbieghed mill-mod kif suppost li kellu jeseqwih.

F'dan il-kaz, is-socjeta kontraenti agixxiet bi vjolazzjoni cara tad-dover li assumiet, u ma tistax tinvoka klawsola ta' ezoneru meta tbieghdet minn dak li suppost kellha taghmel (ara wkoll Formosa & Camilleri Ltd v. Sea Malta Co. Ltd, deciza mill-Prim' Awla tal-Qorti Civili fit-13 ta' Novembru 2008, li enfasizzat fuq "xi forma ta' twettieq" tal-obbligazzjoni qabel ma d-debitur ikun jista' jecepixxi nnuqqas tar-responsabbilta` tieghu a bazi ta' xi klawsola ta' ezoneru).

Il-Qorti tqis li kien hemm ingann u negligenza grossolana fin-nuqqas lampanti tas-socjeta konvenuta li taghti l-importanza u serjeta ghad-dmir taghha li taddatta u toffri prodott ta' investiment adegwat ghal bzonnijiet u ghazla tal-investitur, iktar u iktar

meta l-investitur mhux xi hadd li jinnegozja jew abitwat fl-investimenti u fejn qed jafda flusu ma' service provider biex jassistih jixtri prodott li hu kkommensurat mal-bzonnijiet tieghu.

## Danni

Il-Qorti tqis illi s-socjeta konvenuta ghandha taghmel tajjeb ghad-danni sofferti mill-atturi bin-nuqqas tas-socjeta konvenuta, danni ta' natura kontrattwali. Ma saret ebda prova tad-dannu. Bla dubju d-dannu soffert hu l-valur tal-investment li sar mill-atturi. Ma saret ebda prova ohra ta' dannu u jidher li c-cheques li ntbaghtu lil atturi fil-proceduri ta' likwidazzjoni mis-socjeta konvenuta ma ssarfux. Ghalhekk il-Qorti tqis li l-ammont li ghandu jigi likwidat favur l-atturi hu l-valur tal-investment cioe sterlini 28,515 u €57,000 favur l-attur Fr. Daniel Farrugia u €55,000 favur l-attrici Evelyn Farrugia.

## Decide

Ghal dawn ir-ragunijiet il-Qorti tilqa' t-talbiet attrici fis-sens illi s-socjeta konvenuta bl-agir taghha naqset fid-doveri taghha u kienet negligenti b'mod grossolan bhala service provider u b'hekk ingannat lil atturi meta gie offert lilhom l-investment mertu tal-kawza, li ma kienx idoneju ghal iskop tal-atturi, u tiddikjara s-socjeta konvenuta responsabbli ghad-danni u tikkundanna lis-socjeta konvenuta thallas lil atturi s-somom ta' sterlini 28,515 jew l-ekwivalenti f'euro tal-lum, *bir-rata ta' kambju tal-lum* u s-somom ulterjuri ta' €57,000 u €55,000, bl-imghax mid-data tas-sentenza. Spejjez ghas-socjeta konvenuta.

Onor. Mark Chetcuti LL.D.

Imhalled

Anne Xuereb

Deputat Registratur