



EUROPEAN SMALL CLAIMS PROCEDURE

ADJUDICATOR ADV. DR. KEVIN CAMILLERI XUEREB

Sitting of Thursday, 14th of September, 2017

Claim Number: 4 / 2017

SAMUEL ATTARD

VERSUS

INGRID VORHEMES

The Tribunal,

Having seen the Claim Form (Form A) filed by the claimant on the 21st April, 2017 whereby the same, in line with EC Regulation no. 861/2007, requested the Tribunal to condemn defendant to pay him the sum of two hundred, seventy euros and fifteen euro cents (€270.15c) for the reasons explained under Section 8 of the Claim Form.

Having seen that the defendant, although duly notified on the 20th of June, 2017, to date the same has not filed any response (Form C) in terms of Article 5(3) and/or 5(6) of EC Regulation no. 861/2007.

Took cognizance of all the acts and documents relating to the case and having noted that the claimant required no oral hearing (*vide* section 8.3 of the Claim Form).

The Tribunal considers:

That claimant had purchased from defendant a pocket watch through eBay online site. That before the relative sale and shipment, the claimant had requested defendant to pack the said purchased item "*very well and insure it so as to safeguard it against any loss or damage*" (*vide* section 8 of claim and 'Annex 3' exhibited by the claimant) but notwithstanding this the defendant did not adhere or comply with such claimant's demand and sent the item through ordinary mail. The item was delivered in a package which package's condition is shown in the photographs

exhibited by claimant as 'Annex 5', 'Annex 6' and 'Annex 7'. The relative item (the pocket watch), inside the said package, was delivered in the condition portrayed in the photographs exhibited by claimant as 'Annex 8', 'Annex 9' and 'Annex 10'. Among other things, the claimant is alleging that the damaged item was due to the negligence and imprudence of the defendant who failed to secure and seal the said item (the pocket watch) in an appropriate package and indicate thereupon the fragility of the contents.

Having seen all the relative documentation submitted by the claimant (from 'Annex 1' to 'Annex 17');

The Tribunal is satisfied that the claim put forward by the claimant meets the requirements at Law and thus proceeds to accede to claimants request and condemns the defendant to pay the claimant the sum of two hundred, seventy euros and fifteen euro cents (€270.15c) with statutory interest at the rate of 8% on the said amount from the 24th of February, 2017.

All the expenses connected with these proceedings are to be borne by the defendant.

Finally, the Tribunal orders that a copy of this judgment is served upon the parties in terms of Article 13 of EC Regulation no. 861/2007.

ft. **ADV. DR. KEVIN CAMILLERI XUEREB**
Adjudicator

ft. **ADRIAN PACE**
Deputy Registrar