FIT-TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR: DR PHILIP MANDUCA LL.D

Seduta ta' nhar L-Erbgha 22 ta' Mejju , 2002

Avviz Nru:716/01 PM

Paul Portelli

Vs

Emanuel Muscat

It-Tribunal,

Ra l-avviz li fih l-atturi talbu l-hlas ta' hames mija u sitta u erbghin Liri Maltin u hamsin centezmu, Lm546.50c dovut ghal danni wara incident ta' t-traffiku;

Ra r-risposta tal-konvenut fejn gie allegat li l-attur kien unikament responsabbli ghal incident u fejn l-ammont ta' danni gie kkontestat;

Ra d-dokumenti ezebiti;

Ra l-atti tal-kawza;

Ikkunsidra l-Pulizija li nvestiga l-incident kiteb fuq ir-Road Accident Report kif gej:

l-attur qal: “ that he was driving his van on the left side of the road and when he approached the curve he found the other vehicle opposite of him and was a little bit in the middle of the street and the collision occurred;

Il-konvenut qal: “ he was driving at a normal speed but could have been a little bit in the middle of the street and as he approached he tried to stop the car but the collision occurred.”

Sema li l-ammont ghadu dovut;

Ikkunsidra: illi mill-skizz u mill-versjonijiet tal-partijiet jirrizulta li l-konvenuta kien fuq in-naha hazina tat-triq meta gara l-incident. Il-konvenut kellu 7 metres brake marks. Il-konvenut qal li kien hemm hames piedi bejn il-hajt fuq ix-xellug tieghu u l-karozza tieghu. Skond il-Pulizija li nvestiga l-incident u skond ix-xhieda ta’ Domenica Portelli l-konvenut ammetta li kien, “naqra ghan-nofs tat-triq”.illi l-kawza prossima tal-incident kienet l-fatt li l-konvenut naqas li jsuq bil-mod bizzejjed u naqas li jzomm fuq in-naha tieghu tat-triq. Il-konvenut ra lill-attur distanza mhux hazina qabel il-habta u kellu d-dover izomm fuq in-naha tax-xellug u jieqaf qabel il-habta;

Għalkemm l-ammont ta' danni ma giex ikkontestat fl-eccezzjoniijiet l-konvenut ma ressaq ebda evidenza biex juri ghaliex d-danni riklamati mill-attur ma ghandhomx jigu kkonfermati minn dan it-Tribuinal. Illi l-attur ezebixxa l-ircevuta dwar id-danni li sofra;

Fic-cirkostanzi, it-Tribunal jichad l-eccezzjonjiet u jilqa' t-talba attrici bl-ispejjes u bl-imghax mid-data tas-sentenza.

Dr.Philip Manduca L.L.D.

Gudikatur