FIT-TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR: DR PHILIP MANDUCA LL.D

Seduta ta' nhar Il-Hamis 4 ta' Lulju, 2002

Avviz Nru:761/01 PM

Atlas Insurance Agency Ltd. Bhala rapprtezentanti tas-socjeta' estera AXA Insurance plc surogata fid-drittijiet tal-assigurat taghha Gaetano Mifsud u l-istess Gaeteno Mifsud

Vs

Maria Dolores Magri

It-Tribunal,

Ra l-avviz li fih l-atturi talbu l-hlas ta' seba mija u erba' disghin Lira Maltinu erba' u tmenin centezmu, Lm794.84 dovuti ghal danni wara incident tat-traffiku;

Ra r-risposta tal-konvenut fis-sens li "l-incident sehh minghajr ebda htija da parti tal-istess konvenuta";

Ra d-dokumenti ezebiti;

Ra l-atti tal-kawza;

Sema x-xhieda;

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

L-attur qal: "whilst driving car no. GAG 575 along Triq L-ingieret from St. Vincent De Paule Hospital towards Marsa Car no. DAR 173 was turning, changing it's direction by making a U Turn and collided into his front side";

Il-konvenuta qalet: "whilst driving car no. DAR 173 along triq l-ingieret from the direction of Marsa, wanted to change direction by making a U Turn looked but did not see the other car coming and the collision occurred";

Ili mill-skizz u mill-versjonijiet tal-partijiet jirrizulta li l-konvenuta ma kienetx qeghda zzomm "a proper look out." Il-konvenuta kienet qeghda taghmel U turn f' triq principali u kellha tassigura li setghet

taghmel hekk minghajr, ma tostakola l-vetturi fil-lane taghhom. Illi fil-fatt li l-konvenuta ma ratx lil attur qabel il- habta hu indikazzjoni li ma kienetx qed izzomm, “ a proper look out”. Illi meta gara l-incident l-attur diga’ fill-lane tieghu;

l-ammont ta’ danni ma giex kontestat;

Ghaldaqstant t-Tribunal jichad l-eccezjonjiet u jilqa’ t-talba attrici bl-ispejjes u bl-imghax mit-2 ta’ Lulju, 2001.

Dr.Philip Manduca L.L.D.

Gudikatur