QORTI CIVILI - PRIM AWLA

S.T.O. Prim Imhallef
Mark Chetcuti

Illum it-Tnejn, 27 ta' Lulju, 2020

Fl-atti tal-Mandat ta' Inibizzjoni Nru. 401/2020
fl-ismijiet

Futura Funds SICAV p.l.c.
Futura Investment Management Limited
vs

Michael Tippin

Il-Qorti

Rat ir-rikors ghal hrug ta' mandat ta' inibizzjoni minn Futura Funds SICAV u Futura Investment Management Limited sabiex l-intimat Michael Tippin ma jkomplix jizvela informazzjoni konfidenzjali jew privata tar-rikorrenti liema informazzjoni inghat lilu b'mod konfidenzjali. Huma jsostnu li dan l-obbligu hu naxxenti minn ftehim ta' joint venture maghruf bhala TIKKFT bejn Exchange Palace LCC u Futrua Funds SICAV plc tad-29 ta' April 2013 (Dok. A mar-risposta tal-intimat). Huma jpprecizaw li l-intimat Michael Tippin hu sid u managing director tas-socjeta Exchange Palace LLC b'10% tal-ishma fl-imsemmija TIKKFT mentri s-socjetajiet rikorrenti huma proprjetarju ta' 90 fil-mija tal-ishma akkwistati minghand Cougar Real Estate S.A. Izidu illi l-intimat Michael Tippin ghadda informazzjoni konfidenzjali u privat b'mod qarrieqi lil terzi fosthom l-Istituto per le Opere di Religione u dan bi ksur tal-artikolu 25 tal-istess ftehim ta' joint venture li jghid hekk:

> 25.1 Each Quotaholder shall at all times use all reasonable efforts to keep confidential the provisions of this Agreement and any other information which it holds or may acquire from time to time in connection with the

management, operation or business of any quotaholder of the Company ("Confidential Information") and it shall procure that neither it nor its affiliates (other than any member of the Group) shall disclose any such information except:
25.1.1 to its direct and indirect shareholders, partners (or bona fide prospective shareholders or partners) or to its or their respective directors, officers, employees, managers, advisers and providers of finance;

Fost id-diversi oggezzjonijiet li saru ghal din it-talba, Michael Tippin irrisponda li Futura Investment Management Limited qatt ma kienet parti ghal ftehim tal-2013 u llum Futura Funds SICAV plc lanqas ghadha parti mill-kuntratt. Gew esebiti tlett dokumenti markati Dok. B, C u D mar-risposta fejn jirrizulta b'mod car illi Futura Funds SICAV plc assenjat mit-3 ta' Ottubru 2013 id-drittijiet u obbligi kollha naxxenti mill-joint venture lil Cougar Real Estate inkluz is-sehem li kellha ta' 90% fil-joint venture.

Din il-Qorti tqis li r-rikorrenti ma gabu ebda prova li tpoggi f'dubju dawn id-dokumenti nonostante li ippremettew li huma azzjonisti ta' 90 fil-mija tal-azzjonijiet fil-joint venture u billi t-talba ghal hrug tal-mandat ta' inibizzjoni kien jirreferi specifikament ghall-obbligi kontrattwali naxxenti mill-joint venture agreement, u jidher li s-socjetjiet rikorrenti ma ghandhom ebda drittijiet prima facie kontra l-intimat fuq l-istess, ghalhekk it-talba ghal-hrug tal-mandat ma tistax tintlaqa'

Decide

Ghalhekk il-Qorti, filwaqt illi tirrevoka contrario imperio d-digriet provvizjorju tat-13 ta' Marzu 2020, tichad it-talba ghal hrug ta' mandat ta' inibizzjoni, spejjez ghas-socjetajiet rikorrenti

Mark Chetcuti
Prim Imhallef

Anne Xuereb
Deputat Registratur