

Small Claims Tribunal
(European Small Claims Procedure)

Adjudicator

Adv. Dr Anna Mallia

Date:- 06th October 2020.

Claim Number: 11/20 AM

Dimitar Hristov

Vs

Ryanair DAC Limited

The Tribunal,

Having seen the Claim Form (Form A) filed by the claimant on the 19th May 2020 whereby the same, in lieu with Regulation (EC) no 861/2017 requested the Tribunal to condemn the defendant company to pay it the sum of one hundred thirty eight euros and twenty five cents (€138.25c) being the refund of a ticket he bought from the defendant company flight FR2277 on 17 March 2020 from Budapest to Malta which flight the plaintiff claims he could not use because of the bans introduced by the Hungarian Government on the same day as he arrived in Sofia Budapest. He could not flight to Budapest on his Wizz Air flight W62472 on 17 March 2020 from Sofia because of the bans introduced by the Hungarian Government and therefore he could not fly from Budapest to Malta with the Ryanair flight FR2277 on 17 March 2020.

Having seen that the defendant company was duly notified on 05th June 2020 and having noted that the defendant company submitted a reply on 11th September 2020.

Having seen that the defendant company submitted its reply way beyond the thirty (30) days imposed by law and never justified this delay and is therefore declaring that the

defendant is in default. This does not mean however that the defendant company is accepting the demand of the plaintiff in our law.

Having seen that both parties to these proceeding did not demand an oral hearing (see Section 8.3. of Form A and Section 3 of Form C).

Now therefore the Tribunal is proceeding to deliver its present decision upon the documentary evidence submitted.

Decision

The defendant company from the documents submitted by the applicant did not deliver the service bought by the applicant. If the Hungarian Government imposed bans on travel on the day that the applicant was due to travel, this does not put the defendant company at fault and the applicant cannot claim the refund requested.

The Tribunal, having seen the documents submitted, and in the light of the above considerations, decides to reject the claim of the applicant.

In view of the circumstances of the case, each party is to pay its own costs.

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

Dr Anna Mallia

Adjudicator