



**QORTI CIVILI PRIM' AWLA**

**S.T.O. PRIM IMHALLEF  
MARK CHETCUTI**

**Illum il-Hamis, 10 ta' Dicembru, 2020**

Numru 12

**Rikors Nru. 466/2019**

**Mediterranean Trading Shipping Company Limited**

**vs**

**Bastiment MV Irmak**

**Il-Qorti,**

Rat id-digriet tal-14 ta' Meju 2019 fejn il-Qorti ordnat il-ftuh tal-konkors tal-kredituri. Dan id-digriet gie moghti in segwitu ghal rikors ta' kompensazzjoni li kien sar mis-socjeta Malta Towage Limited tas-26 ta' Marzu 2019 (a fol. 1 tal-process), li bih talbet li tigi approvata c-cedola ta' kompensazzjoni minnha mressqa ghall-ammont ta' sitta u hamsin elf ewro (€65,000) depozitat permezz tac-cedola ta' depozitu numru 1441/19 li saret fl-atti tas-subbasta numru 4/2019 wara l-bejgh bl-irkant tal-Bastiment M.V. Irmak, registrat fiz-Zanzibar, Tanzanija bin-numru IMO 7514490.

Il-bejgh bl-irkant tal-Bastiment sar fuq istanza tas-socjeta Mediterranean Trading Shipping Company Limited li, b'rikors datat 6 ta' Frar 2019 (a fol. 1 tal-atti tas-subbasta), talbet il-bejgh fis-subbasta tal-Bastiment u dana sabiex tottjeni l-hlas tad-debitu lilha dovut wara li giet kanonizzata kreditrici b'sentenza tad-9 ta' Jannar 2012

bin-numru 1079/2011 (MCH), fl-ismijiet Mediterranean Trading Shipping Company Limited v Bastiment MV Irmak.

B'digriet moghti fit-12 ta' Frar 2019, gie ordnat il-bejgh bl-irkant tal-Bastiment.

Fil-25 ta' Marzu 2019, il-Bastiment gie liberat favur Malta Towage Limited bil-prezz ta' €65,000 animo compensandi (a fol. 81 tal-atti tas-subbasta).

Minhabba opposizzjoni li saret minn Mediterranean Trading Shipping Limited ghal kompensazzjoni mitluba mis-socjeta Malta Towage Limited, il-Qorti ordnat il-ftuh tal-konkors tal-kredituri odjern.

Rat li l-Qorti appuntat lil Dr Josette Grech biex tipprezenta rapport wara li l-partijiet interessati gew notifikati skont il-ligi;

Rat l-atti u r-rapport ta' Dr Josette Grech u semghet lid-difensuri;

Rat li l-vertenza thalliet ghal provvediment.

### **Ikkunsidrat**

Il-perit legali Dr Josette Grech qieset li l-kredituri ammessi sabiex jikkonkorru f'dawn il-proceduri ghall-ammont depozitat huma s-segwenti:

- Malta Towage Limited u
- Mediterranean Trading Shipping Company Limited

Kif qalet il-perit legali ghalkemm l-artikolu 416 tal-Kapitolu 12 jirrekjedi li jkun hemm "izjed minn zewg persuni" li jippretendu jeddijiet aqwa minn ta' haddiehor, madankollu japplika l-insenjament tal-Prim Awla tal-Qorti Civili fis-sentenza fl-ismijiet **fil-Konkors tal-Kredituri tal-Bastiment m.v Marwa M** (deciz fid-29 ta' Marzu 2007) (rikors nru 617/2006) fejn gie ritenut li:

... minkejja li huma tnejn biss dawk il-kredituri tal-bastiment li jippretendu l-hlas f'din il-procedura, il-krediti li huma jghidu li ghandhom kontra l-istess bastiment jaqbzu fis-somma taghhom l-ammont li gie mqieghed b'depozitu taht l-awtorita' tal-Qorti meta l- bastiment inbiegh fl-irkant gudizzjarju. F'kaz bhal dan, ikollha ssir il-gradwazzjoni tal-istess krediti, u dan ghaliex il-

kredituri jippretendu li ghandhom jeddijiet aqwa minn ta' l-kredituri l-ohrajn jew jeddijiet li jigu qabilhom. Dan ghaliex ukoll jista' jkun li l-kreditu mressaq minn xi wiehed mill-konkorrenti jkun, minnu nnifsu, jaqa' taht kawzi ta' preferenza differenti skond il-liġi.

Malta Towage Limited tghid li hija kreditrici tal-Bastiment fl-ammont ta' €165,475 rapprezentanti pagi tal-ekwipagg u l-kaptan kif kanonizzat b'sentenza tal-Prim Awla tal-Qorti Civili datata tlettax (13) ta' Lulju 2012 fl-ismijiet Kaptan Abdullah Sahin et vs MV Irmak (Rik. Gur. 647/12), flimkien mal-ispejjez gudizzjarji fl-ammont ta' €6,761, oltre l-imghaxijiet mill-25 ta' Gunju 2012 li jammonta ghal €105,904 kalkolat sal-25 ta' Gunju 2020. Tghid li t-titolu eżekuttiv taghha huwa naxxenti minn skrittura ta' cessjoni datata 24 ta' April 2014 fejn gie cedut lilha id-debitu kif kanonizzat bl-imsemmija sentenza. Tghid ukoll li l-kreditu taghha jgawdi privilegg skont l-artikolu 50 tal-Kapitolu 234 tal-Ligijiet ta' Malta.

Mediterranean Trading Shipping Company Limited tghid, permezz tal-affidavit tar-rapprezentant taghha, li hija kreditrici tal-Bastiment fl-ammont komplessiv ta' €69,199.15, in kwantu ghal €47,193.39 kanonizzat b'sentenza datata 9 ta' Jannar 2012 fl-ismijiet Mediterranean Trading Shipping Company Limited v Bastiment MV Irmak, in kwantu ghall-ammont ta' €13,445 ghab-bazi ta' kuntratt ta' surrogazzjoni bejn is-socjeta Mediterranean Trading Shipping Company Limited u l-Awtorita ghat-Trasport f'Malta datat 19 ta' Gunju 2015, u in kwantu ghall-ammont ta' €8,560.76 rapprezentanti spejjez addizzjonali li saru wara d-19 ta' Gunju 2015 ghab-bazi ta' kuntratt ta' surrogazzjoni bejn is-socjeta Mediterranean Trading Shipping Company Limited u l-Awtorita ghat-Trasport f'Malta datat 15 ta' Novembru 2019. Fin-nota ta' osservazzjonijiet taghha, is-socjeta Mediterranean Trading Shipping Company Limited tghid li hi tgawdi minn kreditu privileggjat kontra l-Bastiment ai termini tal-artikolu 50(b) u 50(g) tal-Kapitolu 234 tal-Ligijiet ta' Malta.

F'dan il-konkors, l-ebda kreditur konkorrent ma huwa qiegħed isostni li ghandu plegg jew privilegg possessorju fit-termini tal-artikolu 54 u lanqas xi ipoteka navali u ghaldaqstant il-gradwazzjoni tal-krediti partikolari ghandha ssir skont id-dispost tal-artikolu 50 u 54A(1) tal-Kapitolu 234. Sabiex issir tali gradwazzjoni huwa necessarju li jigu identifikati l-krediti partikolari ta' kull konkorrent.

## L-Artikolu 50 tal-Kapitolu 234 jaqra hekk:

Il-krediti specifikati hawn taht jigu garantiti permezz ta` privilegg specjali fuq il-bastiment kif ukoll fuq kull dhul minn xi indennizz li jinholoq minn kollizzjonijiet u disgrazzji ohra maghdud kull dhul mill-assigurazzjoni:

(a) spejjez gudizzjarji sabiex isir il-bejgh tal- bastiment u l-qsim tal-prezz li jgib;

(b) drittijiet u spejjez ohra dovuti taht dan l-Att lir-registratur ta` bastimenti Maltin;

(c) drittijiet ta` tunnellagg;

(d) is-salarji, l-ispejjez ghal assistenza, irkupru jew salvatagg, u ghal drittijiet ta` bdoti;

(e) il-hlas ta` gwardjani u l-ispejjez ta` ghasa tal-bastiment minn x`hin jidhol fil-port sal-bejgh;

(f) il-kera tal-imhazen fejn jigu merfughin l-armor u l-ghodda tal-bastiment;

(g) l-ispejjez maghmula ghaz-zamma fi stat tajjeb tal-bastiment u tal-apparat tieghu maghduda spejjez ta` provvisti u provizjonijiet ghall-ekwipagg tieghu maghmula wara l-ahhar dhul tal-bastiment fil-port;

(h) is-salarji u ammonti ohra dovuti lill-kaptan, ufficjali u ekwipagg iehor tal-bastiment ghar-rigward tal-impieg taghom fuq il-bastiment, inkluza kull nefqa ghar rimpatriju u kontribuzzjonijiet tal- assigurazzjoni socjali li jithallsu ghalihom;

(i) danni u imghaxijiet dovuti lil xi bahri ghal mewt jew korriment tal-persuna u spejjez li jsir f` konnessjoni mal-marda, weggha jew korriment ta` xi bahri;

(j) il-flus li jkollhom jiehdu akkreditati ghal xogholijiet, xoghol ta` haddiema u tiswijiet qabel it-tluq tal- bastiment ghall-ahhar vjagg tieghu:

Izda dan il-privilegg ma jghoddx jekk id-dejn ma jkunx gie maghmul direttament minn sid il-bastiment, jew mill-kaptan, jew minn mandatarju tas-sid;

(k) drittijiet ta` agenzija tal-bastimenti dovuti ghall- bastiment wara l-ahhar dhul tieghu fil-port, skont it-tariffi tal-port, u kull infieq maghmul matul dak il-perijodu li ma jgawdix privileggi fil-paragrafi (a) sa (i), ghalkemm f` kull kaz ghal somma totali ta` mhux izjed minn erbat elef unit;

(l) il-flus mislufa lill-kaptan ghall-bzonnijiet tal- bastiment matul l-ahhar vjagg u r-rimborz tal-prezz tal- merkanzija mibjugha minnu ghall-istess hsieb;

(m) il-flus li jkollhom jiehdu il-kredituri ghal provizjonijiet, hwejjeg ta` ikel, armament u armor, qabel it-tluq tal-bastiment ghall-ahhar vjagg tieghu:

Izda dan il-privilegg ma jghoddx jekk id- dejn ma jkunx gie maghmul direttament minn sid il- bastiment jew mill-kaptan, jew minn mandatarju tas-sid;

(n) id-danni u l-imghaxijiet li ghandhom jithallsu lin-nolleggaturi ghal nuqqas ta` kunsinna tal-merkanzija mghobbija, u ghall-avariji li jkunu batew f` dik il-merkanzija bi htija tal-kaptan jew tal-ekwipagg;

(o) id-danni u l-imghaxijiet li ghandhom jithallsu lil bastiment iehor jew lit-taghbija tieghu fil-kazijiet ta` kollizzjoni ta` bastimenti;

(p) il-kreditur specifikat fl-artikolu 2009(d) tal- Kodici Civili ghall-bilanc tal-prezz mill-bejgh tal-bastiment.

Rilevanti wkoll ghall-kwistjoni tal-lum huwa d-dispost tal-Artikolu 54A fejn jistipula li:

(1) Il-kreditu specificati fl-artikolu 50 ghandhom ikunu gradwati fl-ordni murija fih u fi preferenza ghal kreditu ipotekarji u privileggiati oħra, minkejja li l-bastiment ikun għadu fil-pussess tad-debitur, u l-kreditu specificati fl-artikolu 50(a) u (b) ghandhom fic-cirkostanzi kollha jiggradwaw fi preferenza ghal kull kreditu.

### **Assenjazzjoni tal-kreditu tal-bahhara**

Is-socjeta Mediterranean Trading Shipping Company Limited qajmet kwistjoni fir-rigward tal-kreditu tas-socjeta Malta Towage Limited. Hi tinsisti li l-iskrittura li kienet saret bejn Malta Towage Limited u d-diversi bahhara tal-Bastiment, konsistenti fl-ekwipagg u l-kaptan, kienet skrittura ta' surroga u li l-elementi tas-surroga ma kinux sodisfatti, partikolament in kwantu ma kienx hemm assenjazzjoni espressa favur is-socjeta Malta Towage Limited mill-membri tal-ekwipagg għaliex l-iskrittura giet iffirmata mill-Kaptan f'ismu proprio u f'isem l-ekwipagg, u għaliex ukoll m'hemmx prova li l-kunsiderazzjoni għal tali surroga fil-fatt thallset. Tpoggi f'dubbu ukoll l-iskrittura meta tqis stramb il-fatt li l-ekwipagg accetta hlas inferjuri biex jassenja d-drittijiet tiegħu lil Malta Towage Limited meta l-pretensjoni tal-ekwipagg, kif kanonizzata fis-sentenza tat-13 ta' Lulju 2012, kienet ferm superjuri għal konsiderazzjoni msemmija fl-iskrittura.

Fl-iskrittura li saret fit-22 ta' April 2014 gie miftiehem illi l-Kaptan Abdullah Sahin personalment kif ukoll bhala mandatarju specjali ta' Mustafa Dincer, Mehmed Demir, Saban Sahin, Recep Aziz Kabakci, Guram Bejandize, u Teimuraz Tarieladze assenjaw lil Malta Towage Limited:

1. [a]ll rights as resulting from the judgement delivered by the First Hall of the Civil Court bearing reference 647/2012 as per Hon Judge Silvio Meli in the names Kaptan Abdullah Sahin et vs MV Irmak registrat fiz-Zanzibar fit-Tanzanija u bin-numru tal-IMO 7514490, dated the thirteenth (13th) of July two thousand and twelve (2012), a copy of which is being herewith attached and marked Document A, together with all costs and interests as may have accrued in terms of law and of the said judgement till the date when debt is satisfied. Such is being specifically stated in terms of article 1475 of Chapter 16 of the Laws of Malta. Parties agree for all intents and purposes at law that article 1483 of the Laws of Malta is not applicable to the assignment mentioned in this specific sub-article since the debt transferred is certain liquid and due and furthermore constitutes an executive title in terms of law.

2. All past present or future claims the said assignors may have in respect of the vessel MV Irmak registered in Zanzibar Tanzania bearing the IMO registration numbered 7514490 and not specifically mentioned in the

abovementioned judgement together with all cost and legal interests as may be the case. Such is again being specifically stated in terms of article 1475 of Chapter 16 of the Laws of Malta.

Inoltre l-partijiet iddikjaraw ai termini tad-dispost tal-Artikolu 1476 li l-ammont li l-Bastiment gie kundannat ihallas skont l-imsemmija sentenza kien ghadu dovut.

Hi l-fehma tal-Qorti illi l-kliem uzat fl-iskrittura hu car fis-sens li Malta Towage Limited giet assenjata d-drittijiet li hija kellha naxxenti mis-sentenza bin-numru 647/2012 fl-ismijiet Kaptan Abdullah Sahin et vs MV Irmak. Il-kliem uzat jaghti lok ghal tifsira legali cara li din kienet skrittura ta' cessjoni mhix surroga u skont il-ligi d-debitur gie mgharraf bil-bdil fil-persuna tal-kreditur b'effett tal-ittra gudizzjarja li giet prezentata fil-Prim Awla tal-Qorti Civili fil-konfront tal-Bastiment minn Malta Towage Limited nhar l-24 ta' April 2014 u li tinstab esebita a fol. 84.

Maghdud ma' dan, skond l-Artikolu 1470, "ic-cessjoni ma tiswiex jekk ma ssirx bil-miktub". Kitba li hi mehtiega mhux ad probationem tantum izda ad solemnitatem (ara sentenza fil-Volum XXXII.i.620). Dan l-element ukoll gie sodisfatt fil-kaz tal-assenjazzjoni li saret favur Malta Towage Limited.

Fin-nota ta' sottomissjonijiet taghha Mediterranean Trading Shipping Company Limited issostni li Malta Towage Limited giet surrogata fid-drittijiet tal-bahhara u taghmel referenza ghall-artikolu 1165 tal-Kapitolu 16 tal-Ligijiet ta' Malta. Izda, skont dan l-artikolu, "min ihallas id-dejn jidhol fil-jeddijiet tal-kreditur b'konvenzjoni, basta li din is-surroga ssir espressament u flimkien mal-hlas". Fil-kaz tar-relazzjoni kuntrattwali bejn il-bahhara u Malta Towage Limited, din tal-ahhar ma hallsix il-kreditu li kellhom il-bahhara izda biss giet assenjata kreditu kontra korrispettiv. Is-surroga fil-kaz tal-lum hija eskluza u dana peress li tali surroga tippresupponi l-adempiment tal-obbligazzjoni, ossia l-hlas tal-kreditu tal-kreditur, li l-kreditur gie sodisfatt. Mentri fil-kaz ta' cessjoni, l-obbligazzjoni tkun ghada ma gietx sodisfatta u ghalhekk il-hlas mhuwiex rekwizit.

Is-socjeta Mediterranean Trading Shipping Company Limited targumenta wkoll li kellha ssir il-prova tal-hlas, u fi kwalunkwe kaz tinsisti li huwa stramb li l-bahhara

accettaw korrispettiv ferm inferjuri ghal dak li kien haqqhom skont is-sentenza. Dan l-argument iregi, izda, jekk tkun qed tigi trattata surroga fejn din tigi perfezzjonata mal-hlas u, anzi, trid issir kontestwalment mal-hlas u fejn is-surrogat jista' jitlob biss sal-massimu li jkun hallas lill- kreditur. Min-naha l-ohra c-cessjoni hija perfetta, u d-drittijiet suggetti ghac-cessjoni, jigu trasferiti hekk kif isir "...il-ftehim fuq il-kreditu, fuq il-jedd jew fuq l-azzjoni u fuq il-prezz, u, barra minn meta c-cessjoni tkun ta' jeddijiet trasferibbli bil-kunsinna tat-titolu, hekk kif isir l-att tac-cessjoni" (Artikolu 1469 tal-Kodici Civili).

Ghar-rigward tal-ammont tal-prezz, ghalkemm korrispettiv hu rekwizit essenzjali ta' kull xorta ta' bejgh u ta' assenjazzjoni" (Rita Pirotta vs Simone Carbonaro deciza mill-Qorti ta' l-Appell (Imhalled P. Sciberras) fis- 17 ta' Novembru 2004), fil-kaz ta' cessjoni, ic-cessjonarju ghandu dritt jitlob il-kreditu kollu minghand id-debitur anke jekk il-prezz li ghalih ikun akkwista l-kreditu ikun inqas (kif normalment jigri) tal-valur tal-kreditu dovut lic-cedent. M'hemm l-ebda rekwizit iehor fil-ligi fir-rigward, oltre l-ftehim fuq il-prezz.

Ghalkemm fis-sottomissjonijiet verbali fis-seduta tal-25 ta' Novembru 2020 l-avukat ta' Mediterranean Trading tefa' dubju fuq kif u jekk fil-fatt sarx hlas ghal assenjazzjoni, pero ma ngiebu ebda provi dwar dan izda biss allegazzjonijiet bla ebda fundament fattwali.

### **Mandat**

Fin-nota ta' sottomissjonijiet taghha, Mediterranean Trading Shipping Company Limited titfa' dubbju dwar jekk il-Kaptan tal-Bastiment kellux l-awtorita li jiffirma u/jew jagixxi f'isem u in rappresentanza tal-membri l-ohra tal-ekwipagg u li kien ikun biss permezz ta' prokura illi l-Kaptan seta' jassenja d-drittijiet tal-ekwipagg.

Din il-Qorti ma taqbilx. Ghalkemm il-mandat fil-forma skritta ma giex prodott, dan ma huwiex rekwizit essenzjali ghal validita tal-mandat, ladarba kif rajna, il-mandat jista jsir anke verbalment skont il-ligi.

Fit-tieni lok, ma tressqux provi konvincenti li jwasslu sabiex tinghata piz lill-allegazzjoni tas-socjeta Mediterranean Trading Shipping Company Limited li l-iskrittura ta' assenjazzjoni hija difettuza minhabba nuqqas ta' awtorita da parti tal-Kaptan li jidher f'isem il-bahhara l-ohra u l-piz tal-prova kien mixhut fuq Mediterranean Trading Shipping Limited in bazi tal-principju onus probandi incumbit ei qui dicit non ei qui negat li tipprova dan sal grad tal-probabbli. L-allegazzjoni ta' Mediterranean Trading Shipping Company Limited baqghet biss allegazzjoni.

Fit-tielet lok, il-bahhara bhala mandanti setghu jagixxu fil-konfront tal-Kaptan f'kaz li dan, fil-kapacita ta' mandatarju inqeda hazin bis-setgha fdata lilu jew inkella addirittura deher ghalihom bhala mandatarju meta mandat ma jezistix. Ma jirrizultax mill-atti, li dawn il-bahhara wettqu xi procedura ghar-rexxissjoni tal-iskrittura ta' cessjoni li kienet saret anke jekk issa ghaddew aktar minn sitt snin minn meta saret.

Fir-raba lok, anke f'kaz li mandatarju jinqeda hazin bis-setgha fdata lilu, xorta jorbot lill-mandant fil-konfront ta' terzi, sakemm dawn ikunu in bona fide u mhux komplici mal-mandatarju fl-abbuz. M'hemm l-ebda prova li Malta Towage Limited kienet in mala fede meta gie konkluz il-ftehim ta' assenjazzjoni.

Il-perit legali ikkunsidrat il-kreditu partikolari ta' kull konkorrent li qed tigi riprodotta testwalment billi l-perit legali dahlet fid-dettal ta' kull kreditur pretiz.

### **Kreditu ta' Mediterranean Trading Shipping Company Limited**

Mediterranean Trading Shipping Company Limited qed tippretendi tlett ammonti, ossia l-ammont ta' €47,193.39 dovuti ai termini tas-sentenza data 9 ta' Jannar 2012 bin-numru 1079/2011 (fattura esebita bhala Dok. A fl-atti tal-kawza imsemmija a fol. 6 sa 7 tal-process<sup>1</sup>); l-ammont ta' €13,445 dovuti ghab-bazi tal-iskrittura ta' surroga datata 19 ta' Gunju 2015 (skrittura u fatturi esebiti a fol. 15 – 29 tal-process, ripetuti f'Dok. B anness mal-affidavit ta' Peter Paul Ellul Sullivan) u ammont ulterjuri ta' €8,560.76 li skont l-affidavit tal-istess Peter Paul Ellul Sullivan jinkludu hlasijiet lill-Awtorita ghat-Trasport f'Malta fl-ammont ta' €6,090 ai termini ta' skrittura ta' surroga

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<sup>1</sup> Fl-atti ma hemmx kopja tal-fatturi individwali ta' kull entry izda proforma wahda globali mahruqa minn Mediterranean Trading Shipping Co Limited b'total ta' €47,193 indikat bhala "approximate sub total due". Meta l-esponenti ghamlet l-kalkolu tal-ammonti, it-total gie jaqra €46,594.50



ulterjuri datata 15 ta' Novembru 2019 (esebita bhala Dok. MTSC2 riprodotti in parte f'Dok. C anness mal-affidavit ta' Peter Paul Elul Sullivan) u spejjez ohra (li huma esebiti fl-ahhar parti ta' Dok. C ).

### L-ammont ta' €47,193.39

Il-perit legali spjegat li hija sprovvista mill-fatturi relatati ma' kull entry li tinstab imnizzla fil-Proforma esebit bhala Dok. A a fol. 6 tal-process tal-kawza bin-numru 1079/2011/MCH fl-ismijiet Mediterranean Trading Shipping Company limited (C365) v MV Irmak. Dana peress li din il-Proforma mhijjex akkumpanjata mill-fatturi relattivi. Sabiex twettaq l-ezercizzju dwar jekk l-ammonti humiex privileggjati, il-perit legali strahet fuq id-dettalji moghtija minn Mediterranean Trading Shipping Company Limited stess fuq il-Proforma.

L-ammonti indikati fuq il-Proforma huma s-segwent:

Details	Cost	Admin Fees	Totals
Port Dues at 50euro/period of 7 days or part thereafter (billed up to 27.09.2011)	1,200.00	120.00	1,320.00
Pilots Arrival	308.07	30.81	338.88
Pilots Departure (Approximately)	245.07	24.51	269.58
Tug Malta Ltd	5,124.07	512.41	5,636.48
Lawyer's Fee (Letter of Protest)	1,072.72	107.27	1,179.99
Chauffer Transport 17153	32.98	3.30	36.28
Chauffer Transport 17482	19.80	1.98	21.78
Chauffer Transport 17085	19.80	1.98	21.78
Chauffer Transport 16861	59.40	5.94	65.34
Chauffer Transport 16898	59.40	5.94	65.34
Chauffer Transport 16716	59.40	5.94	65.34
Chauffer Transport 17549	19.80	1.98	21.78
Chauffer Transport 1503	19.80	1.98	21.78
Sullivan Ltd - Airline Ticket - Mr Roman Tseladze (eticket Malta/istanbul/Odessa)	465.00	46.50	511.50
Sullivan Ltd - Airline Ticket - Mr Sahin Saban (eticket Malta/istanbul)	245.00	24.50	269.50
Sullivan Ltd - Airline Ticket - Mr Sahih Abullah Capt. (eticket Malta/istanbul/Malta)	332.00	33.20	365.20
Agency Fee 1st Day	470.00	0.00	470.00
Agency Fee per day thereafter 66 days @ euro 420.00 daily	26,180.00	0.00	26,180.00
Agency Transport @ 25 euro per day	3,388.00	0.00	3,388.00
ISPS Portnet Notification System Arrival / Departure	180.00	0.00	180.00
Embarkation of Personnel @ 25.00 euro per person - Mr Sahih Abullah (Capt)	25.00	0.00	25.00
Disembarkation of Personnel @ 25.00 euro per person - Mr Roman Tseladze	25.00	0.00	25.00
Disembarkation of Personnel @ 25.00 euro per person - Mr Sahin Saban (Ch Eng)	25.00	0.00	25.00

Disembarkation of Personnel @ 25.00 euro per person - Mr Sahih Abullah (Capt)	25.00	0.00	25.00
Disembarkation of Personnel @ 25.00 euro per person - Mr Mustafa Dincer	25.00	0.00	25.00
Disembarkation of Personnel @ 25.00 euro per person - Mr Mehmet Demir	25.00	0.00	25.00
Visa approval @ 60 euro / crew - Mr Roman Tsiteladze	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Sahin Saban (Ch Eng)	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Sahih Abullah (Capt)	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Mustafa Dincer	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Mehmet Demir	60.00	0.00	60.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Roman Tsiteladze	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Sahin Saban (Ch Eng)	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Sahih Abullah (Capt)	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Mustafa Dincer	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Mehmet Demir	25.00	0.00	25.00
Communication Expenses	198.00	0.00	198.00
CTM	150.00	25.00	175.00
Miscellaneous	200.00	0.00	200.00
Dr Tonio Cachia (Dentist)	50.00	5.00	55.00
Chandlery FES DFS	35.00	0.00	35.00
Chandlery	40.00	0.00	40.00
Chandlery	33.00	0.00	33.00
Chandlery	13.20	0.00	13.20
Courier TNT	58.00	0.00	58.00
D/A Bank Charges	150.00	0.00	150.00
AVS Computers	87.50	8.75	96.25
Freight charges of Shaft Malta to Istanbul	4,125.00	412.50	4,537.50
Customs and other charges	598.90	0.00	598.90

Jirrizulta li numru ta' entries f'din il-Proforma ma jistghux jitqiesu bhala li jgawdu privilegg specjali taht l-ebda wiehed mill-paragrafi tal-artikolu 50 tal-Kapitolu 234, ghalix ma nghatat ebda spjegazzjoni jew informazzjoni ulterjuri minn Mediterranean Trading Shipping Co Limited dwarhom, bhalma huma l-entries "CTM", "Miscellaneous", "Courier TNT", "D/A Bank Charges", "AVS Computers".

Dawk li jirrizultaw li jistghu jkunu krediti privileggjati huma dawk li jifdal mill-Proforma cioe:

Port Dues up to 27.09.2011	1200	120	1320
Tug Malta Invoice	5124.07	512.41	5636.48
Sullivan Ltd - Airline Ticket - Mr Roman Tsiteladze (eticket Malta/istanbul/Odessa)	465.00	46.50	511.50
Sullivan Ltd - Airline Ticket - Mr Sahin Saban (eticket Malta/istanbul)	245.00	24.50	269.50

Sullivan Ltd - Airline Ticket - Mr Sahih Abullah Capt. (eticket Malta/istanbul/Malta)	332.00	33.20	365.20
Agency Fee 1st Day	470.00	0.00	470.00
Agency Fee per day thereafter 66 days @ euro 420.00 daily	26,180.00	0.00	26,180.00
ISPS Portnet Notification System Arrival / Departure	180.00	0.00	180.00
Embarkation of Personnel <sup>2</sup> @ 25.00 euro per person - Mr Sahih Abullah (Capt)	25.00	0.00	25.00
Visa approval @ 60 euro / crew - Mr Roman Tsiteladze <sup>3</sup>	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Sahin Saban (Ch Eng)	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Sahih Abullah (Capt)	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Mustafa Dincer	60.00	0.00	60.00
Visa approval @ 60 euro / crew - Mr Mehmet Demir	60.00	0.00	60.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Roman Tsiteladze	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Sahin Saban (Ch Eng)	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Sahih Abullah (Capt)	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Mustafa Dincer	25.00	0.00	25.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Mehmet Demir	25.00	0.00	25.00

### L-ammont ta' €13,445

Dan l-ammont reklamat jirrizulta minn skrittura ta' surroga datata 19 ta' Gunju 2015 li saret bejn l-Awtorita ghat-Trasport f'Malta u l-kumpanija Mediterranean Trading Shipping Company Limited li permezz taghha l-Awtorita ssurrogat id-drittijiet kollha taghha inkluz d-drittijiet preferenzjali taghha fil-konfront tal-Bastiment ghar-rigward tal-ammont imsemmi. Skont klawsola 3 tal-istess skrittura gie konfermat mill-Awtorita li l-ammont imsemmi gie saldat mill-kumpanija Mediterranean Trading Shipping Company Limited. Dr Robert Vassallo, f'isem l-Awtorita ghat-Trasport f'Malta,

<sup>2</sup> L-esponenti tifhem li din ukoll hija spiza ta' ripatriazzjoni

<sup>3</sup> L-esponenti tifhem li l-ispejjez relatati ma' visa huma spizi ta' ripatriazzjoni

ikkonferma fix-xhieda tieghu l-invoices annessi mal-iskrittura ta' surroga, u kkonferma wkoll li l-ammonti kienu thallsu minn Mediterranean Trading Shipping Co Limited fiz-zmien meta din tal-ahhar kienet agenta tal-Bastiment.<sup>4</sup> Ma jirrizultax li s-socjeta Mediterranean Trading Shipping Company limited giet kanonizzata b'sentenza fir-rigward ta' dan il-kreditu. Il-kreditu naxxenti mill-imsemmija skrittura jikkonsisti fis-segwenti:

31/12/2011	SIN00005646	Transport Malta Invoice - INV 029283 Pilotage Services	308.07	30.81	338.88
31/12/2011	SIN00005652	Transport Malta Invoice - INV 030976 Port Dues 11/05/11 - 17/05/11	50.00	0.00	50.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 031191 Port Dues 18/05/11 - 31/05/11	100.00	0.00	100.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 031312 Port Dues 01/06/11 - 28/06/11	200.00	0.00	200.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 034610 Port Dues 29/06/11 - 02/08/11	250.00	0.00	250.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 036053 Port Dues 03/08/11 - 16/08/11	100.00	0.00	100.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 036882 Port Dues 17/08/11 - 30/08/11	100.00	0.00	100.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 038134 Port Dues 31/08/11 - 27/09/11	200.00	0.00	200.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 040451 Port Dues 28/09/11 - 25/10/11	200.00	0.00	200.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 041436 Port Dues 26/10/11 - 15/11/11	150.00	0.00	150.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 042220 Port Dues 16/11/11 - 29/11/11	100.00	0.00	100.00
31/12/2011	SIN00005652	Transport Malta Invoice - INV 043315 Port Dues 30/11/11 - 13/12/11	100.00	0.00	100.00
31/12/2011	SIN00005652	Administrative Charges		155.00	155.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 044730 Port Dues	150.00		150.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 045822 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 046466 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 046901 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 047706 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 054215 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 049060 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 050001 Port Dues	180.00		180.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 051495 Port Dues	240.00		240.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 052434 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 053484 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 055563 Port Dues	180.00		180.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 056424 Port Dues	120.00		120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 057629 Port Dues	120.00		120.00

<sup>4</sup> Seduta 9 ta' Jannar 2020

31/12/2012	SIN00007350	Transport Malta Invoice - INV 059049 Port Dues	120.00	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 059852 Port Dues	240.00	240.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 061432 Port Dues	120.00	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 062318 Port Dues	120.00	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 063177 Port Dues	120.00	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 064267 Port Dues	180.00	180.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 066026 Port Dues	180.00	180.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 067734 Port Dues	240.00	240.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 068113 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 069486 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 070416 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 070800 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 072548 Port Dues	210.00	210.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 073604 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 074652 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 076238 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 076875 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 077865 Port Dues	210.00	210.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 080833 Port Dues	420.00	420.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 082990 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 084022 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 084372 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 085130 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 086267 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 087336 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 090722 Port Dues	420.00	420.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 091282 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 092219 Port Dues	140.00	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 093472 Port Dues	140.00	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 100563 Port Dues	140.00	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 102802 Port Dues	140.00	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 104019 Port Dues	210.00	210.00
14/07/2014	SIN00010196	Transport Malta Invoice - INV 105132 Port Dues	140.00	140.00
14/07/2014	SIN00010196	Transport Malta Invoice - INV 106402 Port Dues	140.00	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 112229 Port Dues	140.00	140.00

31/12/2014	SIN00012370	Transport Malta Invoice - INV 113523 Port Dues	140.00	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 114699 Port Dues	140.00	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 115927Port Dues	210.00	210.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 117273 Port Dues	140.00	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 118385 Port Dues	140.00	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 119954 Port Dues	350.00	350.00
12/08/2014	SIN00010503	Transport Malta Invoice - INV 107213 Port Dues	140.00	140.00
12/08/2014	SIN00010503	Transport Malta Invoice - INV 108770 Port Dues	140.00	140.00
10/02/2015	SIN00012728	Transport Malta Invoice - INV 121043 Port Dues	70.00	70.00
10/02/2015	SIN00012728	Transport Malta Invoice - INV 122539 Port Dues	210.00	210.00
20/09/2014	SIN00012833	Transport Malta Invoice - INV 109864 Port Dues	210.00	210.00
20/09/2014	SIN00012833	Transport Malta Invoice - INV 111021 Port Dues	140.00	140.00

Jidher li mal-iskrittura ta' surroga ma hemmx annessi l-fatturi li kienet harget l-Awtorita tat-Trasport f'Malta fil-konfront ta' Mediterranean Trading Shipping Company Limited. Hemm biss anness fattura gdida, li wiehed jassumi li nharget minn Mediterranean Trading Shipping Company Limited stess (peress li ma fihomx letterhead) fil-konfront tal-Sahpet Maritime Incorp / Panama b'indirizz fit-Turkija. Minhabba f'dan, id-dettalji dwar x'jirraprezentaw il-fatturi huma skarsi. Il-maggor part ta' dawn il-fatturi fihom indikazzjoni li huma port dues hlief ghal wahda li hija indikata li kienet relatata ma' *pilotage services*.

### **L-ammont ta' €8,560.76**

Mediterranean Trading Shipping Company Limited tressaq kreditu iehor fl-ammont komplessiv ta' €8,560.76 konsistenti fi hlasijiet lill-Awtorita ghat-Trasport f'Malta fl-ammont ta' €6,090 u li huma kontenuti fi skrittura ta' surroga datata 15 ta' Novembru 2019 (esebita bhala Dok. MTSC2) u spejjez ohra.

Ghal dak li jirrigwarda l-ammonti ta' €6,090, jirrizulta li Mediterranean Trading Shipping Co Limited kienet dahlet fi ftehim ta' surroga ulterjuri datat 15 ta' Novembru 2019 fejn l-Awtorita ghat-Trasport f'Malta ssurrogat id-drittijiet kollha taghha, inkluz drittijiet preferenzjali, favur l-istess kumpanija wara s-socjeta Mediterranean Trading Shipping Co Limited kienet saldat dan l-ammont hi stess. Il-fatturi annessi mal-istess

skrittura ta' surroga jikkonsistu in parte f'fattura wahda mahruqa minn Mediterranean Trading Shipping Co Limited b'indikazzjoni fiha ta' sett ta' fatturi mahruqa mill-Awtorita ghat-Trasport f'Malta fl-ammont ta' €3150. Kopja ta' dawn l-istess fatturi ma gietx esebita u in parte f'sett ta' fatturi ohra ammontanti globalment ghall-ammont ta' €2,940.

31/12/2015	SIN00015444	Transport Malta Invoice - INV 123973 Port Dues	280.00	0.00	280.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 125067 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 126031 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 127087 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 128285 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 129509 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 131047 Port Dues	210.00	0.00	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 132256 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 133504 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 136621 Port Dues	490.00	0.00	490.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 138284 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 139231 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 140554 Port Dues	140.00	0.00	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 142214 Port Dues	210.00	0.00	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 145529 Port Dues	210.00	0.00	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 147266 Port Dues	350.00	0.00	350.00
09/03/2015		Transport Malta Invoice - INV 123973 Port Dues	280.00	0.00	280.00
23/03/2015		Transport Malta Invoice - INV 125067 Port Dues	140.00	0.00	140.00
10/04/2015		Transport Malta Invoice - INV 126031 Port Dues	140.00	0.00	140.00
22/04/2015		Transport Malta Invoice - INV 127087 Port Dues	140.00	0.00	140.00
07/05/2015		Transport Malta Invoice - INV 128285 Port Dues	140.00	0.00	140.00
22/05/2015		Transport Malta Invoice - INV 129509 Port Dues	140.00	0.00	140.00
11/06/2015		Transport Malta Invoice - INV 131074 Port Dues	210.00	0.00	210.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 149173 Port Dues 6/1/16 - 19/1/16	140.00	0.00	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 150727 Port Dues 3/2/16 - 16/2/16	140.00	0.00	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 151412 Port Dues 17/2/16 - 1/3/16	140.00	0.00	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 152701 Port Dues 2/3/16 - 15/3/16	140.00	0.00	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 153869 Port Dues 16/3/16 - 29/3/16	140.00	0.00	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 154173 Berthage Fee 11/3/16 - 31/3/16	1,680.00	0.00	1,680.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 155183 Port Dues 16/3/16 - 22/3/16	70.00	0.00	70.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 147266 Port Dues 2/12/15 - 5/1/16	350.00	0.00	350.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV Port Dues 20/1/16 - 2/2/16	140.00	0.00	140.00

Dawn l-ammonti huma fil-maggior parti taghhom indikati bhala port dues hlief ghal fattura wahda li hija indikata bhala berthage fee.

Il-bilanc fl-ammont ta' €2470.76 jirraprezenta drittijiet u spejjeż legali inkorsi mis-socjeta Mediterranean Trading Shipping Company Limited ghar-rigward tal-bejgh bl-irkant tal-Bastiment. Dawn l-ammonti jirrizultaw minn fatturi rilaxxati mid-ditta legali Mifsud & Mifsud.

### **Kreditu ta' Malta Towage Limited**

Malta Towage Limited ghandha kreditu fil-konfront tal-bastiment MV Irmak fl-ammont ta' €165,475 rapprezentanti pagi tal-ekwipagg u l-kaptan u dana in forza ta' skrittura ta' cessjoni datata 24 ta' April 2014 u konsegwenti kanonizzazzjoni permezz ta' sentenza tal-Prim Awla tal-Qorti Civili datata tlettax (13) ta' Lulju 2012 fl-ismijiet Kaptan Abdullah Sahin et vs MV Irmak (Rik. Gur. 647/12), flimkien mal-ispejjeż gudizzjarji fl-ammont ta' €6,761, oltre l-imghaxijiet mill-25 ta' Gunju 2012 li jammonta ghal €105,904 kalkolat sal-25 ta' Gunju 2020.

### **Gradwazzjoni**

Il-perit legali mbaghad ghattiet ghal gradwazzjoni tal-kreditu pero ghamlet zewg osservazzjonijiet rigward l-ispejjeż gudizzjarji ta' kull konkorrent sabiex saret il-kanonizzazzjoni tal-kreditu, u l-imghaxijiet fuq il-kreditu.

Ghal dak li jirrigwarda l-ispejjeż gudizzjarji, gie ritenut mill-Prim Awla tal-Qorti Civili fis-sentenza taghha datata 29 ta' Marzu 2007 (Rik. Nru. 617/2006JRM) illi

L-ispejjeż gudizzjarji minfuqa biex saret il-kawża ma holqux il-privilegg li kull parti mill-kreditu kanonizzat seta' gawda min-natura tieghu. Huwa minnu li b'sahhet il-kawża u s-sentenza li nghatat, l-MMA inghatalha titolu eżekuttiv li bih setghet tmexxi 'l quddiem it-talba taghha tal-bejgh bl-irkant tal-bastiment, imma l-ispejjeż gudizzjarji f'kaz bhal dan ma jistghux jitqiesu li saru ghall-gid komuni tal-kredituri tad-debitur, imma ghall-vantagg tal-kreditur partikolari. Il-kreditu mahsub taht l-artikolu 50(a) irid ikun dak marbut mal-ispejjeż gudizzjarji sabiex isir il-bejgh tal-bastiment u l-qsim tal-prezz li jgib. Dik il-kawża u l-ispejjeż li saru fiha ma tolqot xejn minn dan.

Ghalhekk il-pretensjoni ta' kull konkorrent ghall-ispejjeż relatati mal-kanonizzazzjoni tal-kreditu tieghu ma ghandhiex titqies privileggjata.



Mill-banda l-oħra, għal dak li jirrigwarda l-imghaxijiet mitluba, dawn jisthoqqilhom li jitqiesu privileggjati għaliex l-imghax huwa accessorju tad-dejn ewlieni u jimxi u jingema' mieghu, u kif qalet il-Qorti fis-sentenza surriferita,

mhux għaliex ipprivileggjat, imma għaliex huwa l-effett sekondarju ta' obligazzjoni, l-izjed jekk l-obbligazzjoni tkun waħda ta' natura kummercjali jew inkella tikkonsisti fi hlas ta' somma flus. Il-krediti taz-zewg konkorrenti jikkonsistu f'obligazzjoni ta' hlas lura ta' flejjez u ta' spejjez minfuqin u salarji dovuti u għalhekk l-imghaxijiet pretizi minnhom jintrabtu mad-dejn principali li għalih jirreferi.

Stabbilit dan, il-perit legali għaddiet għal gradwazzjoni tad-depożitu tal-prezz tal-bejgħ tal-Bastiment oggett tas-subbasta bin-numru 4/19 ssir bil-mod u fl-ordni segwenti:

Fl-ewwel grad, (a) l-ispejjez dovuti lill-kreditur eżekutant jigifieri lil Mediterranean Trading Shipping Co Limited biex talbet li jsir il-bejgħ bl-irkant tal-bastiment MV Irmak. Għal dak li jirrigwarda l-ispejjez gudizzjarji sabiex isir il-bejgħ tal-bastiment u sabiex infetħ il-konkors, m'għandu jkun hemm l-ebda dubbju li dan jissarraf bħala privilegg taht l-artikolu 50(a) tal-Kapitolu 234 li, in forza tal-istess ligi, għandu f'kull cirkostanza jiggradwa qabel kull kreditu iehor. Dana għaliex dawn l-ispejjez isiru fl-interess tal-kredituri kollha u għalhekk huwa gust li l-ispejjez ta' dawn il-proceduri jippregradwaw. Il-hlas tal-ispejjez issir skont it-taxxa gudizzjarja ufficjali rilaxxata mir-Registratur tal-Qorti. Għal fini tal-gradwazzjoni tal-krediti huwa necessarju li l-ispejjez ikunu daww gudizzjarji hekk kif riflessi fit-taxxa ufficjali mahruġa mir-Registratur tal-Qorti. Fl-istadju tal-gbir tal-provi ma tressqet l-ebda taxxa gudizzjarja rappreżentanti tali spejjez, u għalhekk f'dan l-istadju tali kreditu għadu ma jistax jigi akkluz ai termini tal-Artikolu 50(a) tal-Kapitolu 234 izda huwa rizervat, u (b) l-ispejjez gudizzjarji marbuta mal-konkors tal-kredituri li għadhom f'dan l-istadju mhux komputati, essendo anki din ir-relazzjoni parti minnhom, dawn ukoll huma rizervati.

Fit-tieni grad, jikkonkorru id-drittijiet ta' tunellagg ai termini tal-artikolu 50(c) tal-Kapitolu 234. Dawn jinkludu harbour fees, laid-up dues u kull ammont iehor kalkolabbli a bazi ta' tonnage<sup>5</sup>. Ghalkemm is-socjeta Mediterranean Trading Shipping Co Limited u lanqas ir-rappreżentant tal-Awtorita tat-Trasport f'Malta li

<sup>5</sup> Ara sentenza tal-Prim Awla tal-Qorti Civili datata 3 ta' Lulju 2003 rikors numru 5/1993TM

xehed f'dawn il-proceduri, ma fisser f'dettal fiex kienu jikkonsistu l-port dues, dawn jistghu jitqeghdu bhala privilegg taht l-artikolu 50(c) in kwantu huma spejjez li jinhadmu fuq bazi ta' tunnelligg tal-bastiment skond l-ewwel skeda tar-regoli dwar id-drittijiet tal-port (Avviz Legali 30 tal-1997 kif emendat)<sup>6</sup>. Ghalhekk l-ammonti segwenti huma dovuti lis-socjeta Mediterranean Trading Shipping Company Limited:

		Port Dues at 50euro/period of 7 days or part thereafter (billed up to 27.09.2011)	1200
		Transport Malta Invoice - INV 030976	
31/12/2011	SIN00005652	Port Dues 11/05/11 - 17/05/11	50.00
		Transport Malta Invoice - INV 031191	
31/12/2011	SIN00005652	Port Dues 18/05/11 - 31/05/11	100.00
		Transport Malta Invoice - INV 031312	
31/12/2011	SIN00005652	Port Dues 01/06/11 - 28/06/11	200.00
		Transport Malta Invoice - INV 034610	
31/12/2011	SIN00005652	Port Dues 29/06/11 - 02/08/11	250.00
		Transport Malta Invoice - INV 036053	
31/12/2011	SIN00005652	Port Dues 03/08/11 - 16/08/11	100.00
		Transport Malta Invoice - INV 036882 Port	
31/12/2011	SIN00005652	Dues 17/08/11 - 30/08/11	100.00
		Transport Malta Invoice - INV 038134 Port	
31/12/2011	SIN00005652	Dues 31/08/11 - 27/09/11	200.00
		Transport Malta Invoice - INV 040451 Port	
31/12/2011	SIN00005652	Dues 28/09/11 - 25/10/11	200.00
		Transport Malta Invoice - INV 041436 Port	
31/12/2011	SIN00005652	Dues 26/10/11 - 15/11/11	150.00
		Transport Malta Invoice - INV 042220 Port	
31/12/2011	SIN00005652	Dues 16/11/11 - 29/11/11	100.00
		Transport Malta Invoice - INV 043315 Port	
31/12/2011	SIN00005652	Dues 30/11/11 - 13/12/11	100.00
		Transport Malta Invoice - INV 044730 Port	
31/12/2012	SIN00007350	Dues	150.00
		Transport Malta Invoice - INV 045822 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 046466 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 046901 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 047706 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 054215 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 049060 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 050001 Port	
31/12/2012	SIN00007350	Dues	180.00
		Transport Malta Invoice - INV 051495 Port	
31/12/2012	SIN00007350	Dues	240.00
		Transport Malta Invoice - INV 052434 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 053484 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 055563 Port	
31/12/2012	SIN00007350	Dues	180.00
		Transport Malta Invoice - INV 056424 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 057629 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 059049 Port	
31/12/2012	SIN00007350	Dues	120.00
		Transport Malta Invoice - INV 059852 Port	
31/12/2012	SIN00007350	Dues	240.00

<sup>6</sup> Ara sentenza tal-Prim Awla tal-Qorti Civili datata 29 ta' Marzu 2007 rikors numru 617/2006JRM

31/12/2012	SIN00007350	Transport Malta Invoice - INV 061432 Port Dues	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 062318 Port Dues	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 063177 Port Dues	120.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 064267 Port Dues	180.00
31/12/2012	SIN00007350	Transport Malta Invoice - INV 066026 Port Dues	180.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 067734 Port Dues	240.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 068113 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 069486 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 070416 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 070800 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 072548 Port Dues	210.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 073604 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 074652 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 076238 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 076875 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 077865 Port Dues	210.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 080833 Port Dues	420.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 082990 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 084022 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 084372 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 085130 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 086267 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 087336 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 090722 Port Dues	420.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 091282 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 092219 Port Dues	140.00
31/12/2013	SIN00009571	Transport Malta Invoice - INV 093472 Port Dues	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 100563 Port Dues	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 102802 Port Dues	140.00
11/06/2014	SIN00009875	Transport Malta Invoice - INV 104019 Port Dues	210.00
14/07/2014	SIN00010196	Transport Malta Invoice - INV 105132 Port Dues	140.00
14/07/2014	SIN00010196	Transport Malta Invoice - INV 106402 Port Dues	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 112229 Port Dues	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 113523 Port Dues	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 114699 Port Dues	140.00

31/12/2014	SIN00012370	Transport Malta Invoice - INV 115927 Port Dues	210.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 117273 Port Dues	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 118385 Port Dues	140.00
31/12/2014	SIN00012370	Transport Malta Invoice - INV 119954 Port Dues	350.00
12/08/2014	SIN00010503	Transport Malta Invoice - INV 107213 Port Dues	140.00
12/08/2014	SIN00010503	Transport Malta Invoice - INV 108770 Port Dues	140.00
10/02/2015	SIN00012728	Transport Malta Invoice - INV 121043 Port Dues	70.00
10/02/2015	SIN00012728	Transport Malta Invoice - INV 122539 Port Dues	210.00
20/09/2014	SIN00012833	Transport Malta Invoice - INV 109864 Port Dues	210.00
20/09/2014	SIN00012833	Transport Malta Invoice - INV 111021 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 123973 Port Dues	280.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 125067 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 126031 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 127087 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 128285 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 129509 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 131047 Port Dues	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 132256 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 133504 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 136621 Port Dues	490.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 138284 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 139231 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 140554 Port Dues	140.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 142214 Port Dues	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 145529 Port Dues	210.00
31/12/2015	SIN00015444	Transport Malta Invoice - INV 147266 Port Dues	350.00
09/03/2015		Transport Malta Invoice - INV 123973 Port Dues	280.00
23/03/2015		Transport Malta Invoice - INV 125067 Port Dues	140.00
10/04/2015		Transport Malta Invoice - INV 126031 Port Dues	140.00
22/04/2015		Transport Malta Invoice - INV 127087 Port Dues	140.00
07/05/2015		Transport Malta Invoice - INV 128285 Port Dues	140.00
22/05/2015		Transport Malta Invoice - INV 129509 Port Dues	140.00
11/06/2015		Transport Malta Invoice - INV 131074 Port Dues	210.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 149173 Port Dues 6/1/16 - 19/1/16	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 150727 Port Dues 3/2/16 - 16/2/16	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 151412 Port Dues 17/2/16 - 1/3/16	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 152701 Port Dues 2/3/16 - 15/3/16	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 153869 Port Dues 16/3/16 - 29/3/16	140.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV 155183 Port Dues	70.00

		16/3/16 - 22/3/16	
30/04/2016	SIN00017430	Transport Malta Invoice - INV 147266 Port Dues 2/12/15 - 5/1/16	350.00
30/04/2016	SIN00017430	Transport Malta Invoice - INV Port Dues 20/1/16 - 2/2/16	140.00

In eskussjoni da parti ta' Malta Towage pero l-perit legali qalet illi whud mill-fatturi indikati b'marka hdejhom aktar il-fuq f'din il-pagna gew inkluzi erronjament u doppjament (ara risposta ghad-domanda 13 in eskussjoni) u ghalhekk kellu jitnaqqas b'dawk l-ammonti komplessivament €1,190 u b'hekk id-drittijiet ta' tunellagg li jinkludi port dues dovuti lil Mediterranean Trading ghandu jkun €17,010 u dan ghandu jigi riflless mill-ammont gradwat fit-tieni grad, u mhux €18,200 kif gie sostnut fir-relazzjoni.

Fit-tielet grad, is-salarji, l-ispejjez ghall-assistenza, irkupru jew salvatagg u d-drittijiet ta' bdoti ai termini tal-artikolu 50(d) tal-Kapitolu 234. Hawn jidhlu s-segweni ammonti dovuti lill-Mediterranean Trading Shipping Co Limited.

Tug Malta Invoice	5124.07
ISPS Portnet Notification System Arrival / Departure	180.00
Transport Malta Invoice – INV 029283 – Pilotage Services	308.07

Ma' din il-lista l-perit legali ma qisitx l-ispejjez relatati ma' "pilot's arrival" u "pilot's departure". Il-pilotage fees huma kontenuti ffattura mahruqa mill-Awtorita tat-Transport f'Malta u, fin-nuqqas ta' spjegazzjoni ulterjuri dwar dawn l-imsemmija spejjez, il-perit legali ma kinitx f'posizzjoni li tallokhom.

Fir-raba grad, jidhlu l-ispejjez maghmula ghaz-zamm fi stat tajjeb tal-bastiment u tal-apparat tieghu maghduda spejjez ta' provisti u provizjonijiet ghall-ekwipagg tieghu maghmula wara l-ahhar dhul tal-bastiment fil-port ai termini tal-artikolu 5(g) tal-Kapitolu 234. Ghalkemm Mediterranean Trading Shipping Co Limited indikat li ghamlet nefqa li giet deskritta bhala "Freight charges of shaft Malta to Istanbul" u l-ispejjez relattivi tad-dazju, mhuwiex car dan il-kreditu effettivament x'inhu u ma tressqitx prova sufficjenti li din l-ispiza tista' tigi klassifikata bi privilegg taht dan id-dispost. Li kieku dan kien apparat tal-Bastiment li ntbaghat lejn it-Turkija ghat-tiswija, Mediterranean Trading Shipping Co Limited kien ikollha kreditu dwar l-ispiza tat-

tiswija u l-ispiza relattiva għall-istess biex dan l-apparat jerga' jasal lura Malta. Prova ta' dan ma saritx u fin-nuqqas ta' prova ulterjuri din l-ispiza taht dan il-privilegg ma setghetx tigi meqjusa.

Fil-hames grad, jidhlu l-ispejjez medici li jirreferu esplicitament għal membri tal-ekwipagg tal-Bastiment li fil-fehma tal-esponenti għandhom jitqiesu bhala koperti mill-privilegg li jinsab fl-artikolu 50(i) tal-Kapitolu 234. Għalkemm Mediterranean Trading Shipping Co Limited ressqet pretensjoni għal spiza ta' dentist, ma jirrizultax li din l-ispiza hija marbuta ma' xi membru tal-ekwipagg. Fin-nuqqas ta' prova ulterjuri l-esponenti mhijjex tqis din l-ispiza taht dan il-privilegg.

Fis-sitt grad, jidhlu is-salarji dovuti lill-ekwipagg tal-Bastiment. Dan il-kreditu jaqa' fit-termini tad-dispost tal-Artikolu 50(h) tal-Kapitolu 234 ai termini ta' liem jiggradwaw "is-salarji u ammonti ohra dovuti lill-kaptan, ufficjali u ekwipagg iehor tal-bastiment gahr-rigward tal-impjeg taghha fuq il-bastiment" fuq ammonti ohra dovuti. Dan id-dispost jirrigwarda l-kreditu pretiz minn Malta Towage Limited.

Pari passu fis-sitt grad, hemm ukoll kull nefqa għar-rimpatriju u kontribuzzjonijiet tal-assigurazzjoni socjali li jithallsu lill-ekwipagg tal-Bastiment. Dawk l-ispejjez li qed jigi ammessi bhala spizi relatati mar-rimpatriju pretizi mis-socjeta Mediterranean Trading Shipping Co Limited huma s-segwent:

Sullivan Ltd - Airline Ticket - Mr Roman Tsiteladze (eticket Malta/istanbul/Odessa)	465.00
Sullivan Ltd - Airline Ticket - Mr Sahin Saban (eticket Malta/istanbul)	245.00
Sullivan Ltd - Airline Ticket - Mr Sahih Abullah Capt. (eticket Malta/istanbul/Malta)	332.00
Visa approval @ 60 euro / crew - Mr Roman Tsiteladze <sup>7</sup>	60.00
Visa applicat & Follow Up @ 25 euro / Crew - Mr Roman Tsiteladze	25.00
Embarkation of Personnel <sup>8</sup> @ 25.00 euro per person - Mr Sahih Abullah (Capt)	25.00

Mhux l-ispejjez kollha pretizi minn Mediterreanean Trading Shipping Co Limited huma krediti li setghu jitqiesu bhala spiza ta' ripatriazzjoni. Dana qieghed jinghad għal dak li jirrigwarda l-ispejjez relatati ma' visa approval u visa application. Filwaqt li dawn l-ispejjez huma marbuta mar-ripatriazzjoni tal-ekwipagg, jirrizulta mill-iskrittura

<sup>7</sup> L-esponenti tifhem li l-ispejjez relatati ma' visa huma spizi ta' ripatriazzjoni

<sup>8</sup> L-esponenti tifhem li din ukoll hija spiza ta' ripatriazzjoni

ta' surroga li kienet saret bejn il-Kaptan tal-Bastiment u Malta Towage Limited li l-maggior parti tal-membri tal-ekwipagg kienu ta' nazzjonalita Torka, u ghalhekk huwa inspjegabbli kif dawn kellhom bzonn visa biex jidhlu lura gewwa pajjizhom. Mhux l-istess jista' jinghad ghal dawk li ma kinux ta' nazzjonalita Torka u ghalhekk kien jinhtieg li jkollu visa dawk li kienu ta' nazzjonalita ohra. Jirrizulta li l-bahhar b'kunjom ta' Tarieladze biss ma kienx ta' nazzjonalita Torka.<sup>9</sup> Fir-rigward ta' dan il-persuna, l-ispejjez marbuta ma' Visa approval, Visa Application & Follow-up qed jitqiesu bhala spiza ta' ripatriazzjoni.

Fis-seba grad, jidhlu drittijiet ta' agenzija tal-bastiment dovuti ghal bastiment wara l-ahhar dhul tieghu fil-port, skont it-tariffi tal-port, u kull infieq maghmul matul l-imsemmi perjodu u li ma jgawdix privileggi li jipprewardaw ghalkemm f'kull kaz ghal somma totali ta' mhux izjed minn erbat elef unit jidhlu drittijiet ta' agenzija tal-bastimenti dovuti ghal Bastiment wara l-ahhar dhul skont l-artikolu 50(k). Jidhlu wkoll spejjez relatati ma' berthage tal-Bastiment<sup>10</sup>.

Agency Fee 1st Day	470.00
Agency Fee per day thereafter 66 days @ euro 420.00 daily	26,180.00
Transport Malta Invoice - INV 154173 Berthage Fee 11/3/16 - 31/3/16 SIN00017430	1,680.00

Il-perit legali ma dahlitx fil-mertu dwar gradwazzjoni ulterjuri in vista tal-fatt li ma huwiex ser ikun hemm fondi sufficjenti sabiex jigu sodisfatti krediti ohrajn, lanqas in parte.

## Decide

Il-Qorti taqbel perfettament mal-konkluzjoni legali u fattwali tal-perit legali u billi tqis li l-oppozizzjoni ta' Mediterranean Trading Shipping Company Limited ghar-rikors ta' kompensazzjoni maghmul minn Malta Towage Limited kien gustifikat id-distribuzzjoni ghandha issir bil-mod segwenti u cioe

<sup>9</sup> Isem dan il-bahri gie indikat bhala Roman fil-fattura ta' Mediterranean Trading Shipping Co Limited u bhala Teimuraz fl-iskrittura ta' cessjoni datata 22 ta' April 2014

<sup>10</sup> Ghalkemm fis-sentenza datata 3 ta' Lulju 2003 Citazz Nru 5/1993/TM fl-ismijiet *Syed Tahir Sha v Kaptan Javed Mukthar noe* et iddecidiet illi berthage fees ma jidhrix li jistghu jitqiesu privileggjati taht xi wahda mill-privileggi marittimi elenkati fl-artikolu 50 tal-Kap 234, l-esponenti tqis li l-ispejjez tal-irmigg jistghu jigu konsiderati privileggjati taht l-artikolu 50(k) in kwantu jistghu jitqiesu "infieq" li sar in rigward il-Bastiment wara l-ahhar dhul tieghu fil-port.

L-Ewwel Grad – a) I-ispejjez dovuti lill-kreditur eżekutant jigifieri lil Mediterranean Trading Shipping Co Limited biex talbet li jsir il-bejgh bl-irkant Bastiment skont it-taxxa gudizzjarja. Fl-istadju tal-gbir tal-provi ma tressqet l-ebda taxxa gudizzjarja rapprezentanti tali spejjez, u ghalhekk f'dan l-istadju tali kreditu ghadu ma jistax jigi akkluz ai termini tal-Artikolu 50(a) tal-Kapitolu 234 u (b) I-ispejjez gudizzjarji marbuta mal-konkors tal-kredituri li ghadhom f'dan l-istadju mhux komputati inkluz ir-relazzjoni peritali.

It-Tieni Grad - drittijiet ta' tunnellagg li jinkludu l-port dues fl-ammont ta' €17,010<sup>11</sup> dovuti lil Mediterranean Trading Shipping Co Limited.

It-Tielet Grad - is-salarji, l-ispejjez ghall-assistenza, irkupru jew salvatagg u d-drittijiet ta' bdoti fl-ammont ta' €5,612.14 dovuti lil Mediterranean Trading Shipping Co Limited<sup>12</sup>.

Ir-Raba Grad – pari passu u pro rata<sup>13</sup>, il-kreditu pretiz minn Malta Towage Limited ammontanti ghal €165,475, u l-ispiza ta' ripatriazzjoni fl-ammont ta' €1,152<sup>14</sup> favur Mediterranean Trading Shipping Co Limited;

Il-kreditu l-ohra kollha jibqghu insodisfatti.

Mark Chetcuti

Prim Imhalled

Anne Xuereb

Deputat Registratur

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<sup>11</sup> Administration fees u administration charges gew eskluzi mil-kalkolazzjoni ghaliex dawn ma jidherx li jistghu jitqiesu privileggjati taht dan il-privilegg marittimu

<sup>12</sup> Ibid.

<sup>13</sup> Ai termini tal-artikolu 54A(4) tal-Kapitolu 234

<sup>14</sup> Ibid.