MALTA

TRIBUNAL GHAL TALBIET ZGHAR
MALTA

GUDIKATUR DR.
MANDUCA PHILIP

Seduta ta' 03 ta' Ottubru, 2002

Talba Numru. 10/2002/1

Elmo Insurance Agency Limited in rappresentanza tas-societa estera Royal & Sun Alliance Insurance plc kif surrogati fid-drittijiet tal-assigurat taghha John Micallef u l-istess John Micallef

Vs

Philip Cassar

It-Tribunal

Ra l-avviz li fih l-atturi talbu il-hlas ta' Lm354.36 rappresentanti prezz danni sofferti mill-atturi wara incident ta' traffiku.

Ra n-nota ta' eccezzjonijiet tal-konvenut fejn eccepixxa li ma kienx responsabbli ghal incident.

Ra d-dokumenti esebiti.

Sema x-xhieda.

Ikkunsidra li skond ir-road accident report mart l-attur Tania Micallef qal li :

“I was in the middle lane turning towards San Gwann when driver of car No. EWB600 came from the outer lane intercepted my way and collided into me.”

Il-konvenut Cassar qal:

“I was going round the roundabout on the outer lane to turn towards San Gwann when suddenly I was hit at the rear by car No. JBC 304 which was turning towards Msida”.

Illi mill-provi jirrisulta li fil-waqt li l-konvenut qal li l-intenzjoni tieghu kien sabiex jmur ghal San Gwann mart il-konvenut qalet li l-konvenut kien se isuq fid-direzzjoni ta’ San Giljan.

Illi jirrisulta li l-versjoni ta’ kif gara l-incident moghtija minn Tania Micallef hija iktar kredibbli billi hi konsistenti fil-waqt li l-versjoni tal-konvenut hija kontradetta in parti mix-xhieda ta’ martu.

Ra li d-danni ma gew bl-ebda mod kontestati.

Ghaldaqstant jiddikjara li l-konvenut kien kienet unikament responsabbli ghal incident u ghad-danni sofferti mill-atturi u jilqa t-talba tal-atturi fil-konfront tal-konvenut bl-ispejjes u bl-imghax mit-12 ta’ Novembru 2001.

Philip Manduca
Gudikant