MALTA

TRIBUNAL GHAL TALBIET ZGHAR
MALTA

GUDIKATUR DR.
MANDUCA PHILIP

Seduta ta' 02 ta' Ottubru, 2002

Talba Numru. 1766/2001/1

Errol Harrington

Vs.

Leonard Camilleri

It-Tribunal

Ra l-avviz li fih l-attur talab il-hlas ta' LM140.25 rappresentanti danni sofferit f'incident ta' traffiku li gara fil-14 ta' Awissu 2001.

Ra r-risposta tal-konvenut fejn l-konvenut sostna li l-incident gara tort tal-attur.

Ra d-dokumenti.

Sema x-xhieda.

Janet Ferrigi prodotta mill-attur qalet li l-attur ried jipparkja fejn kien il-konvenut. Il-konvenut hareg u metaipprova jidhol f'postu l-attur, il-konvenut irriversja fuq l-attur.

L-attur qal li dahal minn flok il-konvenut u waqaf il-konvenut gie bir-riverse u habat go fih.

L-attur qal li kellu hsara fuq il-mudguard tal-lemin ta' quddiem.

Ezatt wara l-incident l-partijiet hekk iddiskrivew x'gara:

L-attur "stated that as he was parked his car in front of Borg Cold Stores, Vehicle AAD375 was reversing without the driver looking with the consequence of hitting his vehicle on the front right".

Il-konvenut "stated that he was parked in front of Borg Cold Stores at an angle of about 45 degrees to the pavement, as soon as he moved forward turning his vehicle and started to reverse, vehicle HAF 385 tried to park at the exact place where he was parked with the consequence of coming behind where he was reversing".

Illi fid-dawl tax-xhieda u specjalment dak li l-partijiet qalu lil Pulizija ezatt wara l-incident jirrisulta li l-konvenut kellu tort ghal dan l-incident. Il-konvenut kellu ihares warajh qabel ma beda jirriversja. L-incident gara ghaliex il-konvenut naqas li jara dak li kellu jara u cioe li l-attur kien dahal fil-parking place okkupat minnu ftit qabel.

Illi l-attur esebixxa survey report u l-ircevuti u ghalhekk jidher li d-danni huma ragjonevoli.

Ghaldaqstant jichad ir-risposta tal-konvenut, jilqa t-talba attrici u bl-imghax mid-data tal-presentata tal-avviz.

Av. Philip Manduca
Gudikant