

Bord li Jirregola l-Kera
Magistrat Dr Josette Demicoli LL.D

Signrite Limited
Vs
Ricmoore and Anderson Limited

Rik Nru: 80/19

Illum 25 ta' Marzu 2021

Il-Bord,

Ra l-avviz li gie pprezentat quddiem il-Qorti tal-Magistrati (Malta) li permezz tieghu, is-socjeta' rikorrenti talbet lill-Qorti sabiex tordna lis-socjeta' intimata thallasha s-somma minnha dovuta ta' Eur 11,000 liema somma tirrappresenta arretrati ta' kera u kumpens minnha dovut, in konnessjoni mal-kirja tal-fond 'Signrite Building', Triq in-Nassab, Qormi, kif minnhom accettat u ffirmat fl-iskrittura datata 31 ta' Jannar 2019.

Bl-ispejjez, inkluzi dawk tal-ittra ufficjali tat-22 ta' Marzu 2019 u bl-imghaxijiet legali mill-1 ta' Frar 2019, kontra s-socjeta' intimata li tibqa' ingunta ghas-subizzjoni.

Ra li s-socjeta' intimata giet debitament notifikata hekk kif jirrizulta mir-riferta, izda ma pprezentat l-ebda risposta.

Ra li permezz ta' digriet moghti fl-14 ta' Ottubru 2019, il-Qorti tal-Magistrati ordnat li l-atti jigu trasferiti lill-Bord li Jirregola l-Kera ai termini tal-artikolu 741(b) tal-kapitolu 12 tal-Ligijiet ta' Malta.

Ra li l-kaz gie appuntat ghas-smiegh quddiem il-Bord ghall-5 ta' Dicembru 2019.

Ra li s-socjeta' intimata giet notifikata bl-avviz ghas-smiegh.

Ra l-atti u d-dokumenti kollha.

Ikkunsidra

Illi permezz tal-proceduri odjerni, is-socjeta' rikorrenti qieghda titlob li s-socjeta' intimata tigi kkundannata ghall-hlas ta' arretrati ta' kera u kumpens dovut in konnessjoni mal-kirja ta' fond.

Fis-seduta tal-24 ta' Settembru 2019, ix-xhud Daniel Brocdorf in rapprezentanza tas-socjeta' rikorrenti ikkonferma li mill-ammont imsemmi fl-iskrittura li giet ezebita ma kien thallas xejn.

F'din l-imsemmija skrittura gie maqbul is-segwentu bejn il-partijiet:

By virtue of this private agreement lease of the un-numbered building Signrite Building in Triq in-Nassab, Qormi will be terminated as by noon today (31/01/2019). Lessee will be vacating all his property from premises by same date.

As per meeting held between both parties on 20/01/19 at 11:00 at same premises termination is being met under the following conditions:

The lessee agrees that outstanding amount due for overdue rental payments and as compensation for not finishing of top floor as per lease agreement clause 4B shall be of Euro 11,000. This amount shall be paid in two equal portions of euro 5,500 each by end of February 2019 and end of March 2019. An 8% interest applies as from 1st February 2019."

Fid-dawl ta' dan jirrizulta li t-talba tas-socjeta' rikorrenti hija misthoqqa.

Decide

Ghal dawn il-motivi dan il-Bord jaqta' u jiddeciedi billi jilqa' t-talba tas-socjeta' rikorrenti u ghaldaqstant jikkundanna lis-socjeta' intimata thallas is-somma minnha dovuta ta' €11,000 lill-istess socjeta' rikorrenti.

Bl-ispejjez u bl-imghaxijiet kif mitluba a karigu tas-socjeta' intimata.

Dr Josette Demicoli

Magistrat

Cora Azzopardi

Deputat Registratur