

Claim Number: 02/2022 DBM



THE SMALL CLAIMS TRIBUNAL EUROPEAN SMALL CLAIMS PROCEDURE

ADJUDICATOR
ADV. DR. DUNCAN BORG MYATT

DELIVERED TODAY THE 17TH OCTOBER 2022

CLAIM NUMBER 02/2022

ETIENNE BAJADA

VERSUS

RYANAIR DAC

THE TRIBUNAL.

Saw the notice of claim (Form A) filed on the 31st of May 2022 in which the Claimant is claiming the amount of two thousand five hundred ninety-eight Euro and eighty-six cents (€2598.86) together with expenses but with no interests, for the reasons contained within the details of claim in the said form.

Saw the breakdown of expenses for the Claimant (listed in Doc.2) to return back from Bergamo (Italy) after defendant failed to operate the flight.

Saw the Reply of the Defendant (Form C) filed on the 1st September 2022 by virtue of which the Defendant Ryanair DAC has "partially" accepted the claim for the amount of two thousand and seventy Euro and ninety one cents (€ 2,070.91);

“which sum represents the amount claimed by plaintiff as per Doc.2, that is Eur 2,598.86, less the refund that plaintiff received from defendant for the flights cancelled by Ryanair, amounting to Eur 527.95”

Took cognizance of all the acts and documents relating to the present case.

Considerations

The Tribunal notes that, first of all, the Defendant is accepting to pay the amount of € 2,070.91 meaning that there is no contestation as to whether what is being alleged by the Claimant took place.

Hence, this claim is being reduced as to whether the balance of € 527.95, which the Defendant has paid to the Claimant as a refund for the return flight should be deducted or not from the amount claimed by the Claimant.

In support of his claim, the Claimant has produced detailed receipts to substantiate the amount being claimed. The amounts being claimed are all related to expenditure which the Claimant had to pay for the Defendant’s failure to operate a scheduled flight.

The Tribunal further notes that the amount paid by the Defendant to the Claimant is a refund of the amounts previously paid by the Claimant to the Defendant and in no way do they reflect any amounts which had to be paid due to Defendant’s failure to operate the flight.

Decision

Therefore, on the basis of the documentation presented, the Tribunal finds that the claim has been proved to the satisfaction of this Tribunal and that therefore the amount of two thousand five hundred ninety-eight Euro and eighty-six cents (€2598.86) is due by the Defendant to the Claimant. Expenses of these proceedings are to be borne by the Defendant.

ADV. DUNCAN BORG MYATT

Adjudicator

