



TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
JOSEPH S. REFALO

Seduta tat-30 ta' Jannar, 2003

Talba Numru. 1092/2002/1

Vassallo Joiners Limited

vs

**Cole Foods Limited u b'digriet tad-19 ta' Novembru,
2002 giet kjamata in kawza H.P.Cole Limited**

It-Tribunal,

Ra l-avviz fl-ismijiet premessi prezentat fl-24 t'April, 2002 fejn intalab il-hlas ta' elf u wiehed u disghin lira Maltija u hamsa u tletin centezmu (Lm1091.35), u fejn intqal:

Illi s-socjeta` attrici hija kreditrici tas-socjeta` konvenuta verso s-somma ta' disa' mijas u disgha u erbghin lira Maltija (Lm949.00) rappresentanti l-valur ta' *dark oak unit, dark oak coffee table, re-upholstery of armchair and two-seater complete with imitation leather, dark oak umbrella stand complete with four*

number coat hangers, manifatturati, provduti u konsenjati mis-socjeta` attrici lis-socjeta` konvenuta fuq inkarigu ta' l-istess socjeta` konvenuta, flimkien mas-somma ta' mijas tnejn u erbghin lira Maltija u hamsa u tletin centezmu (Lm142.35), rappresentanti l-VAT fuq l-istess, li komplessivament jammontaw ghal elf u wiehed u disghin lira Maltija u hamsa u tletin centezmu (Lm1091.35), Dok.VJL1;

Illi nonostante diversi interpellazzjonijiet ghall-hlas, inklusa ittra ufficjali datata 20 ta' Frar, 2002, is-socjeta` konvenuta baqghet inadempjenti u ma hallsitx dak minnha dovut lis-socjeta` attrici;

Tghid ghalhekk is-socjeta` konvenuta ghaliex għarragunijiet premessi m'ghandux dan it-Tribunal:

Jikkundannahha thallas lis-socjeta` attrici s-somma ta' disa' mijas u disgha u erbghin lira Maltija (Lm949.00) rappresentanti l-valur ta' *dark oak unit, dark oak coffee table, re-upholstery of armchair and two-seater complete with imitation leather, dark oak umbrella stand complete with four number coat hangers*, manifatturati, provduti u konsenjati mis-socjeta` attrici lis-socjeta` konvenuta fuq inkarigu ta' l-istess socjeta` konvenuta, flimkien mas-somma ta' mijas tnejn u erbghin Lira Maltija u hamsa u tletin centezmu (Lm142.35), rappresentanti l-VAT fuq l-istess, li komplessivament jammontaw ghal elf u wiehed u disghin lira Maltija u hamsa u tletin centezmu (Lm1091.35);

Bl-ispejjez, inkluzi dawk ta' l-ittra ufficjali datata 20 ta' Frar, 2002, u bl-imghax legali dekoribbli mis-7 ta' Dicembru, 2000 sad-data ta' l-effettiv pagament, kontra s-socjeta` konvenuta, rappresentanti ta' liema huma ngunti għas-subizzjoni.

Ra li fis-seduta tad-19 ta' Novembru, id-difensur tas-socjeta` konvenuta kkontesta t-talba u qal li l-ammot mitlub mhux dovut mis-socjeta` konvenuta.

Semgha x-xhieda ta' Kenward Cole u ta' Dr. Aldo Vella. Inghata digriet u giet kjamata in kawza s-socjeta` H.P.Cole Limited. Ha konjizzjoni tad-dokumenti esebiti u tac-cirkostanzi kollha tal-kaz.

Ikkunsidra:

1. Li mix-xhieda ta' Kenward Cole jirrizulta li s-socjeta` Cole Foods Limited kienet ordnat l-“upholstery” ta’ “arm chair” u “two seater” ammontanti ghall-Lm350.00, filwaqt li l-affarijiet l-ohra ammontanti ghall-seba’ mijà u wiehed u erbghin lira Maltija u hamsa u tletin centezmu (Lm741.35) gew ordnati mis-socjeta` kjamata in kawza H.P.Cole Limited.

Ghaldaqstant it-Tribunal qed jilqa’ t-talba attrici u jikkundanna lis-socjeta` Cole Foods Limited thallas lis-socjeta` attrici s-somma ta’ tlett mijà u hamsin lira Maltija (Lm350.00); u jikkundanna lis-socjeta` kjamata in kawza H.P.Cole Limited thallas lis-socjeta` attrici is-somma ta’ seba’ mijà u wiehed u erbghin lira Maltija u hamsa u tletin centezmu (Lm741.35); bl-imghaxijiet fuq iz-zewg ammonti dekoribbli mill-20 ta’ Frar, 2002 sad-data ta’ l-effettiv pagament.

L-ispejjez ta’ dina l-istanza, inkluzi dawk ta’ l-ittra ufficiali datata 20 ta’ Frar, 2002, għandhom jigu sopportati ugwalment bejn is-socjeta` konvenuta u s-socjeta` kjamata in kawza.

-----TMIEM-----