MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tat-3 ta' Novembru, 2003

Talba Numru. 645/2003

Elmo Insurance Agency Limited, bhala rappresentanti tas-socjeta' estera Royal & Sun Alliance Insurance Plc, surrogata fid-drittijiet tal-assikurat taghha Margaret Gauci u l-istess Margaret Gauci

Vs

Carmel Azzopardi

It-Tribunal

Ra l-Avviz fejn l-atturi talbu li l-konvenut ihallas Lm184.59c (mija u erbgha u tmenin lira Maltin u disgha u hamsin centezmu) rappresentanti d-danni risultanti minn incident tat-traffiku kif spjegat fl-Avviz.

Ra r-Risposta fejn il-konvenut qal li ma kienx responsabbli ghall-incident in kwistjoni.

Sema' x-xhieda u ra d-dokumenti.

Skond ir-rapport tal-Pulizija l-attrici qalet "that she was coming from the direction of the school, turning to the direction of Wied iz-Zurrieq. Then she stopped on the stop line, on the inner side the other driver of the vehicle JAM 573 was stopped too on her right side, talking with another person and as she saw that no vehicles are coming she began to turn to Wied iz-Zurrieq. The other driver of vehicle JAM 573 turned too to Wied iz-Zurrieq and dashed into her vehicle."

Il-konvenut qal "that he was coming from the direction of the school when reaching the stop line he stopped when a pedestrian talked to him and when he turned to Wied iz-Zurrieq the other vehicle dashed into his vehicle from the inner side of the road.

Meta xehdet l-attrici qalet "qabel ma gejt fl-istop sign rajt il-vettura tal-konvenut fuq stop sign fuq il-lemin tieghi…jiena ndunajt li l-konvenut kien qed jitkellem ma' ragel iehor u qaghad nistennih. Daqqejtlu l-horn …injorani…bdejt hiereg bil-mod u kont qed naghti kaz it-traffiku li kien gej minn naha tieghi.. imbaghad il-konvenut gibed fid-direzzjoni fejn kont sejra jiena..kiser ghal fuqi."

L-attrici taccetta li l-konvenut kien fuq l-istop sign qabel l-attrici.

Il-konvenut xehed li waqaf fuq l-istop sign biex jaqsam ragel mix-xellug tieghu ghal lemin tieghu. Dan ir-ragel gie hdejh u qallu li ma setghax jghaggel hafna ghaliex ma kienx qed jiflah. Il-konvenut qal li hares fir-rear view mirror u fil-mirja tax-xellug u ma ra xejn u hareg. Il-konvenut ma setghax jispjega, fil-kontro-ezami kif ma kienx ra lil attrici. Il-konvenut cahad li qala meta kien ghadu qed jitkellem.

L-attrici kellha hsara fuq il-front bumper, mudguard, and head lamp front right side fil-waqt li l-konvenut kellu hsara fuq ir-rear door and mudguard left side.

Il-konvenut kellu l-obbligu li qabel ma jibda jsuq jara x'hemm fuq ix-xellug tieghu. Il-fatt li ma kienx ra lil attrici

jfisser li ma kienx qed izomm ‘a proper look out’. Il-versjoni tal-attrici hi kredibli. Il-konvenut li ried idur fuq ix-xellug u ghalhekk ma kellux ikun f’nofs it-triq izda kellu jiehu posizzjoni fuq ix-xellug. (180 Highway Code).

Fid-dawl ta’ dawn il-kunsidrazzjonijiet il-konvenut huwa responsabbli ghall-incident in kwistjoni. Ma hemmx kontestazzjoni fuq id-danni.

Ghaldaqstant jiddikjara li l-konvenut huwa unikament responsabbli ghall- incident in kwistjoni u jikkundannah ihallas Lm184.59c (mija u erbgha u tmenin lira Maltin u disgha u hamsin centezmu) bl-ispejjez u bl-imghax mid-data tan-notifika tal-ittra ufficjali datata 21 ta’ Frar, 2003.

< Sentenza Finali >

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