MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tat-3 ta' Novembru, 2003

Talba Numru. 2154/2002

SMS Insurance Agency Limited bhala rappresentanti tas-socjeta' estera Ecclesiastical Insurance Office Plc, surrogata fid-drittijiet tal-assikurat taghha Melanie Grech

Vs

Carmelo Cremona

It-Tribunal

Ra l-Avviz fejn is-socjeta' attrici talbet il-hlas ta' Lm425.61c (erba' mija u hamsa u ghoxrin lira Maltin u wiehed u sittin centezmu) rappresentanti danni rizultanti minn incident awtomobilistiku li sehh fis-16 ta' Novembru kif spjegat fl-istess Avviz.

Ra li l-konvenut ipprezenta Risposta fejn qal li t-talbiet attrici huma nfondati u bla dritt u li ghandhom jigu michuda bl-ispejjez kontra s-socjeta' attrici, stante illi l-

incident awtomobilistiku in kwistjoni sehh unikament tort ta’ l-assikurata taghha.
Ra d-dokumenti esebiti.

Sema’ x-xhieda ta’ PS 768 Saviour Brincat li qal li fl-iskizz ma rnexxilux jistabillixxi il-*point of impact* ghaliex ma kienx hemm indikazzjoni ta’ fejn grat il-habta. Fil-Road Accident Report il-Pulizija kiteb:

“Carmel Cremona contended that he was driving vehicle BAG 825 on the third lane and all of a sudden car MEL 982 came from behind on the second lane and dashed into his vehicle.”

“Melanie Grech contended that she was driving car MEL 982 on the second lane and all of a sudden vehicle BAG 825 came from behind on the third lane and dashed into her car”.

Sema’ x-xhieda ta’ Melanie Grech u tal-konvenut.

Melanie Grech hekk iddiskriviet il-habta: “Jiena kont gejja minn naha tal-Fgura fid-direzzjoni tal-Marsa. Hemmhekk hemm erba’ lanes. Jiena kont it-tieni minn naha tax-xellug. Il-vettura l-ohra BAG 825 giet fil-lane tieghi u bir-rota ta’ quddiem laqatli l-bieba ta’ wara tal-lemin tieghi.”

Fix-xhieda tieghu l-konvenut qal: “Jiena rajt il-karozza MEL 982 fuq ix-xellug tieghi… qabel l-incident ma rajtiex fil-mera il-karozza MEL 982.. jiena kelli hsara fuq ix-xellug fuq quddiem….jiena nichad li biddilt il-lane. Jiena dejjem bqajt fuq il-lane tieghi. Jiena fl-ebda moment ma biddilt il-lane”.

Ikkunsidra li mil-provi jirrizulta li z-zewg vetturi kienu qeghdin iduru mar-roundabout fil-mument ta’ l-incident. Illi l-incident sehh meta wiehed mid-drivers dahal fil-lane ta’ l-iehor, pero mill-provi ma jidhirx car liema miz-zewg drivers biddel il-lane.

Illi s-socjeta’ attrici ma gabitx provi sufficenti biex tipprova l-kaz taghha.

Ghaldaqstant dan it-Tribunal jichad it-talba tas-socjeta' attrici bl-ispejjez kontra l-istess socjeta' attrici.

< Sentenza Finali >

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