MALTA

QORTI CIVILI
PRIM' AWLA

ONOR. IMHALLEF
JOSEPH AZZOPARDI

Seduta tat-23 ta' Jannar, 2004

Citazzjoni Numru. 1330/2002

Bank of Valletta p.l.c.

-vs-

1. **Visa Import & Export Services Limited.**
2. **Charles Sciberras.**
3. **Monica Sciberras.**

Il-Qorti;

Rat ir-rikors tal-Bank attur pprezentat fil-25 ta' Novembru, 2002, li permezz tieghu ppremetta;

Illi s-socjeta' attrici kkoncediet "Loan Facility" lis-socjeta' konvenuta Visa Import & Export Services Limited;

Illi s-socjeta' attrici tinsab kreditrici tas-socjeta' konvenuta Visa Import & Export Services Limited fis-somma ta' hamsa u ghoxrin elf, seba' mija u sitta u hamsin Liri Maltin u disgha u erbghin centezmu (Lm25,756.49) bilanc ghad-debitu fil-"Loan Account" tas-socjeta' Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok "A1 sa A37") flimkien ma' l-imghax ulterjuri mill-1 t' Ottubru, 2002 sad-data ta' l-effettiv pagament;

Illi permezz ta' zewg skritturi privati datati 7 ta' Novembru, 1997 u 17 ta' Mejju 1999 (Dok "B" u Dok "C"), il-konvenut Charles Sciberras ggarantixxa flimkien u "in solidum" mas-socjeta' Visa Import & Export Services Limited ghaf-favur tal-Bank of Valletta p.l.c. id-debiti ta' l-istess socjeta' Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. sal-valur ta' hamest elef Liri Maltin (Lm5,000.00).

Illi l-konvenuti gew interpellati permezz ta' zewg ittri ufficjali datati 4 ta' Lulju, 2002 li kopja tahhom qed jigu hawn esebiti u mmarkati Dok "D" u Dok "E", sabiex ihallsu d-dejn fuq imsemmi, izda dawn baqghu inadempjenti.

Talab ghalhekk li din il-Qorti ghaliex ghandha:

1. Tikkundanna lis-socjeta' Visa Import & Export Services Limited thallas flimkien u 'in solidum' ma' Charles Sciberras u Monica Sciberras lis-socjeta' attrici s-somma ta' hamsa u ghoxrin elf, seba' mija u sitta u hamsin Liri Maltin u disgha u erbghin centezmu (Lm25,756.49)

bilanc ghad-debitu fil-“Loan Account” tas-socjea’ Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok “A1 sa A37”) flimkien ma’ l-imghax ulterjuri mill-1 t’ Ottubru, 2002 sad-data ta’ l-effettiv pagament;

2. Tikkundanna lil Charles Sciberras ihallas flimkien u “in solidum” mas-socjeta’ Visa Import & Export Services Limited u Monica Sciberra, lis-socjeta’ attraici s-somma ta’ hamsa u gho xrin elf, seba’ mija u sitta u hamsin Liri Maltin u disgha u erbghin centezmu (Lm25,756.49) bilanc ghad-debitu fil-“Loan Account” tas-socjea’ Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok “A1 sa A37”) flimkien ma’ l-imghax ulterjuri mill-1 t’ Ottubru, 2002 sad-data ta’ l-effettiv pagament;

3. Tikkundanna lil Monica Sciberras thallas flimkien u “in solidum” mas-socjeta’ Visa Import & Export Services Limited u Charles Sciberra, lis-socjeta’ attrici s-somma ta’ hamest elef Liri Maltin u disgha u erbghin centezmu (Lm5,000.00) bilanc ghad-debitu fil-“Loan Account” tas-socjea’ Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok “A1 sa A37”) flimkien ma’ l-imghax ulterjuri mill-1 t’ Ottubru, 2002 sad-data ta’ l-effettiv pagament;

Bl-ispejjez komprizi dawk ta’ l-ittri ufficjali datati 4 ta’ Lulju, 2002 u tal-Mandat ta’ Sekwestru u ta’ Qbid li qed jigu pprezentati kontestwalment kontra l-konvenuti li huma ngunti minn issa sabiex jidhru ghas-subizzjoni.

Rat id-dikjarazzjoni tal-bank attur mahlufa mill-P.L. Joseph Zammit fil-25 ta’ Novembru, 2002 u l-lista tax-xhieda.

Rat id-dikjarazzjoni tal-konvenut li biha ammetta t-talbiet kif dedotti fic-citazzjoni;

Billi mill-ammissjoni tal-konvenut, it-talbiet dedotti fic-citazzjoni jirrizultaw pruvati.

Fuq ammissjoni tal-konvenuti, tiddeciedi billi tilqa' t-talbiet tal-bank attur u

1. Tikkundanna lis-socjeta' Visa Import & Export Services Limited thallas flimkien u 'in solidum' ma' Charles Sciberras u Monica Sciberras lis-socjeta' attrici s-somma ta' hamsa u ghoxrin elf, seba' mija u sitta u hamsin Liri Maltin u disgha u erbghin centezmu (Lm25,756.49) bilanc ghad-debitu fil-"Loan Account" tas-socjea' Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok "A1 sa A37") flimkien ma' l-imghax ulterjuri mill-1 t' Ottubru, 2002 sad-data ta' l-effettiv pagament;

2. Tikkundanna lil Charles Sciberras ihallas flimkien u "in solidum" mas-socjeta' Visa Import & Export Services Limited u Monica Sciberra, lis-socjeta' attraici s-somma ta' hamsa u gho xrin elf, seba' mija u sitta u hamsin Liri Maltin u disgha u erbghin centezmu (Lm25,756.49) bilanc ghad-debitu fil-"Loan Account" tas-socjea' Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok "A1 sa A37") flimkien ma' l-imghax ulterjuri mill-1 t' Ottubru, 2002 sad-data ta' l-effettiv pagament;

3. **Tikkundanna lil Monica Sciberras thallas flimkien u "in solidum" mas-socjeta' Visa Import & Export Services Limited u Charles Sciberra, lis-socjeta' attrici s-somma ta' hamest elef Lira Maltin (Lm5,000.00) bilanc ghad-debitu fil-"Loan Account" tas-socjea' Visa Import & Export Services Limited mal-Bank of Valletta p.l.c. (Dok "A1 sa A37") flimkien ma' l-imghax ulterjuri mill-1 t' Ottubru, 2002 sad-data ta' l-effettiv pagament;**

Bl-ispejjez komprizi dawk ta’ l-ittri ufficjali datati 4 ta’ Lulju, 2002 u tal-Mandat ta’ Sekwestru u ta’ Qbid li qed jigu pprezentati kontestwalment kontra l-konvenuti li huma ngunti minn issa sabiex jidhru ghas-subizzjoni.

< Sentenza Finali >

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