MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tat-28 ta' Frar, 2005

Talba Numru. 781/2004

GasanMamo Insurance Limited kif surrogata fid-drittijiet tal-assikurat taghha Spiridione Barbara u l-istess Spiridione Barbara

Vs

Roderick Cilia

It-Tribunal

Ra l-Avviz li fih l-atturi talbu l-hlas ta' Lm1,064.50c (elf u erbgha u sittin lira Maltin u hamsin centezmu) rapprezentanti danni f'incident tat-traffiku kif spjegat fl-Avviz.

Ra r-Risposta tal-konvenut li qal li mhux responsabbli ghall-incident tat-traffiku in kwistjoni.

Sema' x-xhieda u ra d-dokumenti esebiti.

Ra li fir-*Road Accident Report* gie miktub li l-attur qal:

"He was proceeding along Tal-Barrani Road, Zejtun coming from the direction of Tarxien towards Bir id-Deheb on the outer lane of the road, as he reached the curve of the road vehicle FBH 131 which was in front of his vehicle on the inner lane side its driver lost the control of his vehicle collided on his left front part with this consequently his vehicle dashed into the rubble wall."

Il-konvenut qal:

"He was proceeding along Tal-Barrani Road, Zejtun from the direction of Tarxien towards Bir id-Deheb on the outside lane of the road as he was going to approach Vjal 25 ta' Novembru, Zejtun he observed an unknown vehicle emerged from said road as he was at the curve of the road. As he applied the brake and all of a sudden his vehicle was hit on its rear part of his vehicle by vehicle reg JAD 798 and consequently of this he hit his head with the stearing and lost control of his vehicle and collided into an electric pole and finished on the other side of the road…"

Meta xehed f'din il-kawza l-attur qal li waqt li kien qieghed isuq ra l-vettura tal-konvenut tiskiddja u kif wasal mieghu sab il-konvenut jiskiddja f'nofs it-triq. Il-konvenut tah daqqa go quddiem tal-karozza u b'rizultat ta' din id-daqqa baqa' sejjer ghal gol-hajt. Il-konvenut kien quddiemu qabel il-habta, hu kien ghaddej bil-mod. L-attur qal *"jiena hassejt li l-karozza ta' Cilia bdiet timxi fid-direzzjoni tieghi u cjoe' lura"*. L-attur qal li malli ra l-vettura tal-konvenut hu bbrejkja izda ma rnexxielux jieqaf.

Il-konvenut hekk iddiskriva l-incident meta xehed quddiem dan it-Tribunal:

"Jiena kont fuq in-naha ta' barra tat-triq, jiena rajt il-karozzi qieghdin fl-i*stop sign* taz-Zejtun u allura jiena naqqast il-gas u bdejt innaqqas l-i*speed*, hassejt daqqa fuq wara tal-karozza tieghi u tlift il-kontroll tal-vettura. Jiena bdejt innaqqas l-i*speed* ghax kelli karozzi quddiemi. Dawn il-karozzi kienu fis-*side street* izda quddiemi. Jiena ma

kontx naf jekk dawn kienux se jaqsmu jew se jibqghu fl-i*stop sign*."

Fil-kontro-ezami l-konvenut qal li fit-triq taz-Zejtun ma kienx ra karozza li kienet harget. Il-konvenut qal li kien ghaddej bi *speed* normali.

Ikkunsidra

Li skond il-konvenut kien b'rizultat tad-daqqa fuq wara li qala' li hu baqa sejjer ghal gol-arblu. Illi skond l-attur l-incident gara ghaliex il-konvenut beda jiskiddja u saret il-habta.

Illi fir-*Road Accident Report* gie ddikjarat li l-konvenut kellu hsara fuq il-*left front part and side* filwaqt li l-attur kellu hsara fil-*left front part, left side and roof*.

Illi skond ir-rapport tal-pulizija ezatt wara l-incident il-konvenut qal li *"he observed an unknown vehicle emerged from said road"* minhabba dan il-konvenut ghafas il-*brake* u ntlaqat fuq wara.

Meta xehed il-konvenut qal li hu ra l-karozzi wieqfin u ghalhekk applika l-*brake* u dak il-hin hass daqqa fuq wara.

Illi l-attur jghid li kien qieghed isuq u ra li l-konvenut beda jiskiddja u b'rizultat ta' dan grat il-habta.

Skond ir-rapport tal-pulizija l-attur kellu hsara fuq il-*left front part, left all side and on its roof* filwaqt li l-konvenut kellu hsara fuq il-*left front part and side*.

Hemm ghalhekk zewg fatturi ta' certu mportanza kontra l-verzjoni li ta l-konvenut. L-ewwel li meta tkellem mal-pulizija ezatt wara l-incident hu qal li harget karozza mill-genb u t-tieni ghaliex il-pulizija ma rrimarka ebda hsara fuq wara tal-vettura tal-konvenut.

Skond l-attur il-vettura tal-konvenut kienet fuq l-*inner lane* u dan tilef il-kontroll u habtet fix-xellug tal-vettura tieghu.

Illi mill-iskizz u mill-evidenza dan it-Tribunal jikkonkludi li ghal xi raguni l-konvenut inhasad waqt li kien qieghed isuq fejn Vjal il-25 ta’ Novembru u b’rizultat ta’ dan tilef il-kontroll tal-karozza b’mod li gie jostakola t-triq ghall-attur.

Ghalhekk it-Tribunal jichad ir-Risposta tal-konvenut u jiddikjara li l-konvenut kien unikament responsabbli ghall-incident u jikkundanna lill-konvenut sabiex ihallas lill-atturi l-ammont ta’ Lm1,064.50c (elf u erbgha u sittin lira Maltin u hamsin centezmu) bl-ispejjez u bl-imghax mit-22 t’April, 2004.

< Sentenza Finali >

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