



MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tal-5 ta' Mejju, 2005

Talba Numru. 167/2003

**GasamMamo Insurance Agency Limited bhala agent u
mandatarja
tas-socjeta' estera CGU plc ta' Perth Scotland u din
kif surrogata
fid-drittijiet tal-assigurat taghha Casapinta Design
Group Limited skond il-ligi u polza tal-assigurazzjoni
N021336**

Vs

**UCIM Company Limited u bi provvediment tat-
Tribunal tat-
3 ta' Gunju, 2003 il-kumpanija Sign It Limited giet
imsejha
fil-kawza**

It-Tribunal

Kopja Informali ta' Sentenza

Ra l-Avviz li fih is-socjeta' attrici talbet il-hlas ta' elf u tnejn u sittin lira Maltin (Lm1,062) rapprezentanti sittin fil-mija (60%) tad-danni sofferti mill-assigurati tas-socjeta' attrici fuq disgha u ghoxrin (29) *panel* li kienu mikrija lis-socjeta' konvenuta u taht ir-responsabbilta' tagghom.

Ra li r-Risposta tas-socjeta' konvenuta giet sfilzata b'digriet tat-30 t'April, 2003 minn dan it-Tribunal kif diversament presjedut.

Ra d-dokumenti esebiti.

Ra x-xhieda ta' Tonio Casapinta li huwa l-*Managing Director* tas-socjeta' Casapinta Design Group Limited fejn jghid li fit-tinda li armaw Casapinta ma kienx dahal ilma izda fit-tinda z-zghira li armat is-socjeta' konvenuta kienu xxarrbu disgha u ghoxrin (29) *panel*. Jghid li l-*panels* mhux suppost jintrabtu ma' l-art u ghalhekk il-hsara kienet fil-parti t'isfel tal-*panels*. Jikkonferma li Casapinta Design Group Limited irceview il-flus mis-socjeta' attrici.

Jikkonferma wkoll illi Sign It Limited armaw it-tinda u Casapinta ghamlu d-dekorazzjoni ta' gewwa. Jghid li l-gnub tat-tinda kienu maghluqin bil-plastic ta' Sign It Limited pero' kien hemm il-gaps fihom.

Ra l-provvediment dwar talba li ghamlet is-socjeta' konvenuta sabiex tissejjah fil-kawza l-kumpanija Sign It Limited.

Ra li l-kumpanija Sign It Limited naqset milli tipprezenta provi.

Ra x-xhieda ta' Ryan Buttigieg li huwa *Marketing Manager* mas-socjeta' konvenuta fejn jikkonferma li Sign It Limited armaw it-tinda z-zghira. Jikkonferma li dakinhar kienet ghamlet ix-xita u xxarrbet l-area kollha kemm quddiem u kemm wara l-filata tal-gebel. Jghid illi Sign It Limited kien ghamlu gutter ukoll sabiex it-tinda tkun protetta mix-xita. Buttigieg jghid li hu kien responsabbli ghal dawk l-affarijiet li kienu fit-tinda l-kbira u mhux ghall-affarijiet fit-tinda z-zghira.

Kopja Informali ta' Sentenza

Ma jiftakarx minfejn grat il-hsara.

Fis-*Survey Report* gie miktub hekk:

“The loss occurred during the car fair at the National trade fair grounds.....UCIM had requested that the FIAT stand.....be increased in size. UCIM appointed Sign It to construct a canopy.....rainwater seeped into the stand (erected by Sign It).....it was noted that the lay out of the tent was far inferior.....(to) that constructed by Casapinta.....certain areas were left open.....Sign it should be held responsible for the losses incurred by Casapinta.....since the stand was badly constructed.”

Ra li sar Kapitolu fil-konfront ta' Sign It Limited liema soċjeta' naqset li tidher fil-Qorti biex tikkontesta.

Ra li skond Dok. D a fol 20 tal-process:

“All equipment delivered to site as per Quotation, will be at the sole responsibility of the client.”

Illi jirrizulta ghalhekk li s-soċjeta' konvenuta kienet responsabbli ghall-*equipment*. Is-soċjeta' konvenuta qabdet lil Sign It Limited sabiex tibni tinda li ma kienetx tipprovdi protezzjoni adegwata mix-xita. Is-soċjeta' konvenuta ma gabitx provi li ma kienetx responsabbli ghall-*equipment* fit-tinda z-zghira.

Illi ghaldaqstant it-Tribunal isib lis-soċjeta' konvenuta u lis-soċjeta' Sign It Limited responsabbli ghad-danni b'mod solidali billi s-soċjeta' konvenuta kienet responsabbli biex tassigura li l-*equipment* jigi rritornat fl-istess kundizzjoni u s-soċjeta' Sign It Limited billi bniet tinda minghajr attenzjoni bizzejjed.

Jikkundanna lil UCIM Company Limited u lil Sign It Limited b'mod solidali biex ihallsu lis-soċjeta' attrici s-somma ta' elf u tnejn u sittin lira Maltin (Lm1,062) bl-imghax mid-29 ta' Jannar, 2003. Bl-ispejjez kontra s-soċjeta' konvenuta u s-soċjeta' kjamata fil-kawza.

Kopja Informali ta' Sentenza

< Sentenza Finali >

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