MALTA

QORTI TA' L-APPELL

S.T.O. PRIM IMHALLEF VINCENT DE GAETANO

ONOR. IMHALLEF ALBERT J. MAGRI

ONOR. IMHALLEF TONIO MALLIA

Seduta tad-9 ta' Jannar, 2009

Appell Civili Numru. 252/1999/1

L.R. Services Limited

v.

Alpine Travel Limited

Il-Qorti:
Preliminari:

B’citazzjoni pprezentata quddiem il-Prim Awla tal-Qorti Civili fit-8 ta’ Frar, 1999 is-socjeta` attrici ippremettiet illi hija kienet kreditrici fis-somma ta' Lm14,297.59 (erbatax-il elf mitejn u sebgha u disghin lira maltija u disgha u hamsin centezmu) parti minn somma akbar lilha dovuti mis-socjeta` estera Medchoice Holidays Limited ghal servizzi ta' akkomodazzjoni li s-socjeta` attrici tat lill-klijenti ta' l-istess socjeta` estera, liema socjeta` estera kienet rapprezentata f'Malta mis-socjeta` konvenuta; illi l-istess socjeta` estera tat istruzzjonijiet sabiex dan l-ammont jithallas lis-socjeta` attrici u di fatti s-socjeta` estera ttrasmettiet il-flus fil-kont taghha hawn Malta biex tithallas l-istess socjeta` attrici, liema kont bankarju tas-socjeta` estera kien regolat minn proceduri rigidi u precizi tal-Bank Centrali fuq *"Forward Buying Rate Scheme"* riferibbilment ghall-perjodu bejn l-1 ta' Gunju 1994 u l-31 ta' Ottubru 1994; illi fil-fatt dawn il-flus ma setghux jingibdu minn dan il-kont jekk mhux a favur tas-socjeta` attrici skond ir-regolamenti ta' l-istess Bank Centrali li jirregola dan it-tip ta' transazzjonijiet; illi fil-fatt il-flus gew attwalment migbuda minn dan il-kont pero` l-pagament dovut lis-socjeta` attrici ma giex effetwat u dan ghal ragunijiet li jafuhom biss id-dirigenti tas-socjeta` konvenuta; illi kwalsiasi tentattiv sabiex isir inkontru bejn il-partijiet u tigi risolta din il-pendenza bonarjament ma sehhx billi d-dirigenti tas-socjeta` konvenuta irrifjutaw li jiltaqghu ma' dawk tas-socjeta` attrici, hlief ghall-inkontru li sar fit-23 ta' Dicembru 1998 meta l-*financial controller* tas-socjeta` konvenuta ltaqa' ma' dirigenti tas-socjeta` attrici u huwa ammetta li l-flus gew rimessi mis-socjeta` estera fil-kont taghha hawn Malta, izda stante li s-socjeta` konvenuta kienet kreditrici ta' l-imsemmija socjeta` estera, f'somma ta' flus sostanzjali, il-flus inzammu jew ahjar ittiehdu mis-socjeta` konvenuta u ma gewx trasmessi lis-socjeta` attrici; illi dan id-debitu huwa cert, likwidu u dovut u ghalhekk is-socjeta` konvenuta ma ghandhiex eccezzjonijiet x'taghti;

Dan premess is-socjeta` attrici talbet lil dik il-Qorti:

(a) taqta' u tiddeciedi il-kaz ai termini ta' l-Artikolu 167 tal-Kodici tal-Procedura Civili u cioe` bid-dispensa tas-smigh tal-kawza;

(b) tikkundanna lis-socjeta` konvenuta thallas lis-socjeta` attrici l-ammont ta' Lm14,297.59 rapprezentanti drittijiet ghal akkomodazzjoni moghtija mis-socjeta` attrici lill-klijenti tas-socjeta` estera li ghalihom thallset is-socjeta` konvenuta billi dawwret a vantagg taghha flus li kienu rimessi bl-obbligu li tithallas is-socjeta` attrici, li sallum baqghet ma thallsitx - kollox skond kif intqal fuq u ghar-ragunijiet fuq premessi;

Bl-imghax legali mid-data li s-somma msemmija giet trasferita hawn Malta sabiex isir il-pagament lis-socjeta` attrici u bl-ispejjez inkluzi dawk ta' l-ittra legali tat-30 ta' Ottubru 1998 kif ukoll Lm20 tal-konsult kontra s-socjeta` konvenuta;

B'nota pprezentata fil-15 ta' Marzu, 1999 is-socjeta` konvenuta eccepiet:-

1. Illi in linea preliminari l-esponent mhuwiex il-legittimu kontradittur stante li ma ghandu l-ebda relazzjoni guridika mad-ditta attrici u ghalhekk ghandu jigi liberat mill-osservanza tal-gudizzju bl-ispejjez kontra s-socjeta` attrici;

2. Illi subordinatament u minghajr pregudizzju ghas-suespost, it-talbiet attrici huma infondati fil-fatt u fid-dritt stante li l-esponent ezercita biss drittijiet spettanti lilu skond il-ligi;

Is-sentenza appellata.

Il-Prim Awla tal-Qorti Civili ddisponiet minn din il-vertenza b'sentenza moghtija fit-13 ta' Ottubru, 2006 billi, filwaqt li cahdet l-ewwel eccezzjoni tal-konvenuti, cahdet it-talbiet attrici wara li laqghat it-tieni eccezzjoni ta' l-istess socjeta` konvenuta, u ordnat li in vista tac-cirkostanzi partikolari tal-kaz l-ispejjez jibqghu bla taxxa bejn il-partijiet, u dana wara li ghamlet is-segwenti konsiderazzjonijiet:

"Fic-citazzjoni s-socjeta` attrici tippremetti li hi kreditrici fis-somma ta' erbatax-il elf mitejn u sebgha u disghin lira maltija u disgha u hamsin centezmu (Lm14297.59) parti minn somma akbar dovuta lilha mis-socjeta` estera Med Choice Holidays Limited ghal servizzi ta' akkomodazzjoni moghtija lill-klijenti tas-socjeta` estera. Tippremetti ukoll li

l-imsemmija socjeta` estera hi rapprezentata f'Malta mis-socjeta` konvenuta. Is-socjeta` attrici tippretendi li s-socjeta` estera ittrasmettiet din is-somma fil-kont taghha hawn Malta u li tat struzzjonijiet lis-socjeta` konvenuta sabiex l-istess ammont jithallas lis-socjeta` attrici. Dan il-kont bankarju tas-socjeta` estera kien regolat minn proceduri rigidi u precizi tal-Bank Centrali in virtu` tal-iskema mgharufa bhala *"Forward Buying Rate Scheme"*. Is-socjeta` attrici tissottometti li dawn il-flus setghu jingibdu mill-istess kont biss biex tithallas l-istess socjeta` attrici u dana skond ir-regolamenti relattivi tal-Bank Centrali. Il-flus gew migbuda pero` l-pagament dovut lis-socjeta` attrici baqa' ma sarx. L-atturi jkomplu jippremettu li s-socjeta` konvenuta ammettiet li l-flus gew rimessi mis-socjeta` estera u ammettiet ukoll li dawn il-fondi nzammu mis-socjeta` konvenuta peress li kienet kreditrici tas-socjeta` estera. Ghalhekk is-socjeta` attrici qed titlob li s-socjeta` konvenuta tigi kkundannata thallas lis-socjeta` attrici l-imsemmi ammont rapprezentanti drittijiet ghal akkomodazzjoni offerta lill-klijenti tas-socjeta` estera u li ghalihom thallset is-socjeta` konvenuta u dan billi dawwret a vantagg taghha flus li gew rimessi bl-obbligu li tithallas is-socjeta` attrici;
"Is-socjeta` konvenuta qed teccepixxi li mhux il-legittimu kontradittur u dan billi ma tezisti ebda relazzjoni guridika mas-socjeta` attrici. Teccepixxi ukoll li s-socjeta` konvenuta semplicement ezercitat drittijiet spettanti lilha skond il-ligi;

"Jirrizulta li s-socjeta` attrici kienet tipprovdi servizzi ta akkomodazzjoni fil-lukanda taghha lil turisti li kienu jingiebu hawn Malta mill-imsemmija socjeta` estera. Is-socjeta` estera kienet tippartecipa fi skema specjali mgharuf bhala *Forward Buying Scheme* fejn il-hlasijiet mit-*tour operator* esteru kien isiru skond rata ta' kambju specjali miftehma minn zmien qabel mal-awtoritajiet kompetenti. Hu ovvju li dan l-iskema kien intiz biex jiffavorixxi t-turismu. Is-socjeta` attrici tippretendi li hi ghandha tiehu ammonti sostanzjali minghand is-socjeta` estera ghal dawn is-servizzi inkluz l-ammont li hu l-meritu ta' dawn il-proceduri;

"Is-socjeta` attrici ssostni li l-imsemmi ammont intbaghat mis-socjeta` estera lis-socjeta` konvenuta, pero` s-socjeta` konvenuta minflok ghaddiet dawn il-flus lis-socjeta` attrici ippercepiethom hi stess a skapitu tas-socjeta` attrici;

“Jirrizulta li l-iskema kienet tithaddem taht is-sorveljanza tal-Bank Centrali li kien l-awtorita` kompetenti f’dan ir-rigward. Taht dan l-iskema kienu jigu sottomessi lill-imsemmi Bank Centrali ammont globali li kien jinkludi s-servizzi kollha provduti minn varji operaturi lokali, inkluz ghalhekk il-*handling fees* dovuti lir-rapprezentant tat-*tour operator* esteru, kif ukoll l-ammonti separati dovuti individwalment lill-istess operaturi lokali. L-ammonti kienu jigu approvati mill-Bank Centrali li kien jivverifika jekk is-servizz giex effettivament moghti mill-operatur lokali;

“Jirrizulta ghalhekk li s-socjeta` attrici kellha tiehu ammonti ta' flus minghand is-socjeta` estera u mhux minghand is-socjeta` konvenuta. Is-socjeta` konvenuta pero` kienet tirrapprezenta s-socjeta` estera u kienet tiehu hsieb specifikament li thallas lill krredituri. Kif gia` gie rilevat is-socjeta` attrici tippretendi li s-socjeta` konvenuta bhala rapprezentanti tas-socjeta` estera kellha thallas l-ammonti in kwistjoni wara li rceviethom minghand is-socjeta` estera. F’dan ir-rigward ghalhekk is-socjeta` konvenuta hi l-legittimu kontradittur f’din il-kawza u konsegwentement l-ewwel eccezzjoni ma tistax tigi akkolta;

“In effett is-socjeta` attrici qed tibbaza din l-azzjoni taghha fuq allegazzjoni illi s-socjeta` konvenuta rceviet flus bl-istruzzjonijiet specifici li dawn il-flus kellhom jithallsu direttament lill-istess socjeta` attrici. F’dan ir-rigward bl-ebda mod ma jirrizulta li s-socjeta` estera tat xi struzzjonijiet specifici f’dan is-sens.

“Is-socjeta` attrici tippretendi wkoll li s-socjeta` konvenuta kienet obbligata thallas is-somma dovuta lilha peress li l-istess somma ntbghatet f’kont bankarju regolat minn proceduri rigidi u precizi tal-Bank Centrali ta’ Malta. Is-socjeta` attrici tippretendi li dawn il-flus setghu biss jingibdu minn dan il-kont biex tithallas l-istess socjeta` attrici. F'dan ir-rigward is-socjeta` attrici taghmel referenza ghad-direttivi tal-Bank Centrali Malti referibilment ghall-iskema in kwistjoni. Ma jirrizultax pero` li dawn ir-regolamenti specifikament jipprovdu dak li qed tippretendi s-socjeta` attrici u cioe` li l-flus kellhom jigu trasmessi lis-socjeta` attrici kif jaslu Malta. In effett jirrizulta li l-Bank Centrali, cioe` l-awtorita` li kienet tirregola l-iskema, ma kienx jidhol fil-meritu jekk il-kontijiet thallsux jew le peress ukoll li jirrizulta li l-ghan principali tal-iskema kien is-sussidju li kien qed jinghata lit-*tour operator* barrani. In effett ukoll ma kien ikun hemm xejn irregolari skond l-iskema jekk xi operatur lokali ma jithallasx peress li r-rapprezentant tas-socjeta` estera ma jkunx ircieva il-flus kollha. In effett ukoll l-iskema kien japplika ghas-servizzi kollha offerti lokalment lit-turisti. Ghalhekk l-iskema ma kienx japplika biss lill-lukandi li jkunu provdew l-akkomodazzjoni izda japplika wkoll lil servizzi ohra inkluz il-*handling charges* tar-rapprezentanti tat-*tour operator* esteru. Il-fatt li l-kontijiet kienu jigu approvati mill-Bank Cetrali ma jfissirx li l-operatur lokali kien zgur ser jithallas. L-approvazzjoni tal-Bank Centrali kienet tfisser semplicement li l-ammonti in kwistjoni setghu jithallsu skond l-iskema in kwistjoni u cioe` b'rata ta' kambju privileggjata;

"Fin-nota ta' osservazzjonijiet taghhom l-atturi jsostnu li s-socjeta` konvenuta marret kontra l-mandat li kellha minghand is-socjeta` estera sabiex thallas il-kredituri taghha partikolari. Skond l-atturi s-socjeta` konvenuta kellha delega partikolari sabiex taghmel certi pagamenti liema pagamenti ma sarux. Ma jirrizultax, pero`, li kien hemm xi mandat specifiku moghti mis-socjeta` estera lis-socjeta` konvenuta sabiex il-hlas isir lis-socjeta` attrici. L-artikoli tal-ligi li gew indikati f'dan ir-rigward mill-atturi jirregolaw ir-relazzjoni bejn il-mandant u l-mandatarju u mhux bejn il-mandatarju u terzi;

"Jigi enfasizzat li mill-provi jirrizulta li s-socjeta` estera qatt ma kienet tat istruzzjonijiet specifici lis-socjeta` konvenuta biex jithallsu kredituri partikolari. Inoltre hu zgur li l-kwistjoni in ezami mhix wahda bankarja. Jirrizulta li fil-prattika li kien jigri hu li s-socjeta` estera kienet perjodikament u b'mod irregolari tibghat ammonti ta' flus minghajr ebda istruzzjonijiet partikolari jew specifici;

"Fid-dawl ta' dan kollu l-ewwel eccezzjoni tas-socjeta` konvenuta ma tistax tigi akkolta, pero` ghandha tigi milqugha t-tieni eccezzjoni tas-socjeta` konvenuta u konsegwentement it-talbiet attrici ghandhom jigu rigettati;"

L-appell tas-socjeta` attrici.

Is-socjeta` attrici hasset ruhha aggravata bis-sentenza fuq riportata u ghalhekk, b'rikors intavolat fil-31 ta' Ottubru, 2006 talbet li, ghar-ragunijiet hemm moghtija, din il-Qorti joghgobha tikkonferma s-sentenza f'dik il-parti fejn cahdet l-ewwel eccezzjoni tas-socjeta` konvenuta u tirriformaha fejn cahdet it-talbiet attrici u b'hekk takkolji l-istess talbiet attrici fl-interezza taghhom, inkluz li wara li tikkundanna lis-socjeta` konvenuta appellata sabiex thallas l-ammont mitlub fic-citazzjoni tghaddi wkoll biex tikkundannaha thallas l-imghax skond kif mitlub – bl-ispejjez taz-zewg istanzi kontra s-socjeta` appellata.

Is-socjeta` konvenuta appellata resqet risposta ghar-rikors imsemmi fejn talbet li, ghar-ragunijiet hemm moghtija, din il-Qorti joghgobha tichad l-appell tas-socjeta` appellanti u tikkonferma s-sentenza appellata bl-ispejjez taz-zewg istanzi kontra l-istess attur appellanti.

Ikkunsidrat:

Il-kwistjoni li tinsab quddiem din il-Qorti u li trid tigi deciza hija wahda *sui generis* billi mill-banda l-wahda hemm ir-relazzjoni kontrattwali bejn is-socjeta` attrici u t-Tour Operator Med Choice Holidays Ltd; hemm ukoll l-involviment tal-Bank Centrali ta' Malta minhabba l-iskema maghrufa bhala *Forward Buying Rate*; hemm finalment l-intromissjoni tas-socjeta` konvenuta li kienet qed tagixxi bhala agent ossia rapprezentant tas-socjeta` estera Med Choice Holidays Ltd billi kienet tiehu hsieb l-pagamenti dovuti lid-diversi lukandi li jkunu akkomodaw it-turisti li t-*Tour Operator* jkun baghat jew kull '*supplier*' iehor ta' servizzi li jaqghu taht l-iskema tal-*Forward Buying Rate*.

L-iskema hekk imsemmija bhala *Forward Buying Rate* kienet giet introdotta, u operat ghal diversi snin, biex tiffavorixxi s-suq turistiku Ingliz billi dawk it-*tour operators* jigu garantiti, bil-quddiem, rata fissa ta' kambju aktar vantaggjuza minn dik prevalenti fis-suq f'cirkostanzi normali. Kien hemm ghalhekk certa regolamenti li kellhom jigu segwiti qabel ma dan it-*tour operator* jkun jista' jibbenefika minn din l-iskema. Fost dawn ir-regolamenti insibu l-klawsoli 8, 9 u 10 li jghidu hekk (ara d-dokument a fol. 20 *et seq*):

"8. Tour operators shall have to provide the name and the branch of the Maltese commercial bank with whom an "LM domestic special account" will be opened. This account is to be operated solely for the purpose of effecting payments to the Maltese beneficiaries as detailed in Appendix 'A' and as mentioned in '10' below under the conditions of this scheme.

9 (i) Tour operators may appoint local agents but such local agents can authorise payments on the "LM domestic account" provided that:-

(a) a valid power of attorney acceptable to the commercial bank is issued by the tour operator to the local agent;

(b) payments to Maltese beneficiaries are to be made directly from the "LM domestic special account" held in the name of the UK tour operator in terms of "8" above;
(c) agents shall not, reimburse themeselves out of the funds held in the "LM domestic special account" for any purpose whatsoever except in so far as they are designated as Maltese beneficiaries by the operator for handling commissions.

(ii) In the case where a Tour Operator is not in a position to pay directly to a Maltese beneficiary ad hoc arrangements shall have to be made under such terms and conditions as the Central Bank may determine.

10 (i) When submitting their application for eventual participation under the scheme, Tour Operators will thereby be accepting and accordingly instructiong their banks to submit monthly bank statements of account directly to the Central Bank of Malta by not later than the end of the month following that to which the statement refers.

(ii) When claiming payment under the Forward Buying Scheme tour operators shall submit to the commercial banks Appendix 'A' and relevant claim forms (Appendix 'B') concurrently. Appendix 'B' shall be filled and signed by the beneficiaries. Details of both Appendix 'A' and Appendix 'B' must relate to specific months (of arrival) during which service is provided.

Local agents appointed in terms of clause 9(ii) shall submit Appendix "A" and relevant claim form (Appendix "B") directly to the Central Bank of Malta (Funds out of which payments to beneficiaries are effected, shall be remitted to commercial banks in the usual manner).

Omissis.

It is to be noted that the banks have been instructed that unless all details for each payment have been submitted as in Appendix "A", the equivalent funds will be credited to a suspense account.

When all details are evetually given, "the LM special domestic account is credited with the respective amount.""

Fil-klawsola 1a tar-regolamenti koncernanti din l-iskema jinghad inoltre li *"The scheme will cover local payments for boni fide tourist services by beneficiaries operating in Malta (hereinafter referred to as "beneficiaries") and who directly and ultimately provide those services appearing in the shedule of this circular….."*

Ikkunsidrat:

Mill-fuq espost jidher car x’kienet l-intenzjoni wara l-*Forward Buying Rate Scheme* kif ukoll l-obbligi tat-*Tour Operators* li jippartecipa fiha. Jirrizulta mill-provi li t-*Tour Operator* li jkun uza s-servizzi tal-lukandiera, hemm imsejha bhala *“beneficiaries”*, u li jkun qed jippartecipa fl-iskema sabiex jibbenfika mir-rata ta’ kambju tal-Lira Maltija mal-Lira Ingliza b’mod favorevoli, kien mistenni li jittrasmetti fil-kont tieghu ma’ bank kummercjali hawn Malta dik is-somma li tirrizulta dovuta kull xahar lill-istess *“beneficiaries”* skond il-*claim forms* li jkunu gew sottomessi mid-diversi *“beneficiaries”* ghas-servizzi li jkunu pprovdew. Din il-*claim form*, flimkien mal-Appendix “B”, li jkunu gew sottomessi mid-diversi *“beneficiaries”* ghall-ammonti lilhom dovuti, jigu sottomessi lill-Bank Centrali ta’ Malta li, wara l-verifiki opportuni, jawtorizza l-hlasijiet lid-diversi *“beneficiaries”* mill-kont tat-*Tour Operator* wara li tintuza r-rata ta’ kambju miftehma.

Ma hemmx dubju li s-socjeta` konvenuta kienet qeghda tagixxi ta’ agent ghan-nom tat-*Tour Operator* in kwistjoni u cioe` il-Med Choice (indikata wkoll bhala Medchoice) Holdidays. Dan gie kkonfermat fis-sentenza appellata u ma sar ebda appell incidentali fir-rigward, tant hu hekk li s-socjeta` konvenuta qeghda titlob il-konferma tal-imsemmija sentenza bil-konsegwenza li dak li kkonkludiet l-ewwel Qorti fir-rigward tal-posizzjoni tas-socjeta` konvenuta jerga’ jigi ribadit.

Li gara f’dan il-kaz, u li wassal ghal dawn il-proceduri, kien il-fatt li s-socjeta` konvenuta, *qua* agent tas-socjeta` estera Med Choice Holidays, fir-rigward ta’ xahar partikolari u wara li gew sottomessi l-*claim forms* lil Bank Centrali ta’ Malta u inghatat l-awtorizzazzjoni mehtiega sabiex isir il-pagament mill-fondi tas-socjeta` estera, inkluz dak tas-socjeta` attrici meritu tal-kawza, minflok hallset lis-socjeta` attrici, zammet ghaliha dawk il-fondi li kienu, skond ir-regolamenti tal-*Forward Buying Rate,* indirizzati lis-socjeta` attrici.

Is-socjeta` konvenuta, *qua* agent tas-socjeta` estera, kienet obbligata li tezegwixxi l-inkarigu li kien inghata lilha mis-socjeta` estera u cioe` li tonora dawk il-krediti li kienu jirrizultaw mill-*claim forms* u li s-socjeta` estera kienet baghtet il-fondi ghalihom biex dawn jigu sodisfatti. Bhala agent is-socjeta` konvenuta ma kellha ebda dritt li tutilizza dawk il-fondi ghal xi skop iehor hlief in sodisfazzjon tal-imsemmija krediti. Dan ghaliex la darba s-socjeta` estera, li kienet hatret bhala agent f'Malta is-socjeta` konvenuta, kienet intrabtet mal-kundizzjonijiet imsemmija fl-iskema tal-*Forward Buying Rate*, din ma setghetx, u daqstant ma setghax l-istess agent, tohrog mill-obbligi naxxenti mill-istess relazzjoni kuntrattwali li kienet inholqot bejn it-*Tour Operator* u l-Bank Centrali. Fil-qosor, la darba t-Tour Operator kien ser jibbenefika mill-iskema dan kien ser hekk jibbenefika <u>in kwantu kienu ser jithallsu l-*"Beneficiaries"* li favur taghhom kien gie awtorizzat il-pagament.</u>

Inoltre jekk naraw dak li tipprovdi l-klwasola 9(c) tal-istess skema, u cioe` li *"agents shall not, reimburse themselves out of funds held in the "LM domestic special account" for any purpose whatsoever <u>except in so far as they are designated as Maltese beneficiaries by the tour operator for handling commissions</u>"* jidher li s-socjeta` konvenuta ma setghetx izzomm ghaliha ebda parti mill-fondi trasmessi taht l-iskema tal-*Forward Buying Rate* jekk l-istess agent ma jkunx indikat bhala *"beneficiary"* mill-istess *Tour Operator*. Mill-provi ma jirrizultax li ghax-xahar partikolari ta' meta l-hlasijiet gew approvati mill-Bank Centrali ta' Malta, is-socjeta` konvenuta kienet giet indikata bhala *"beneficiary"* ghal xi servizzi li setghet kienet ipprovdiet. Ghalhekk jidher li meta s-socjeta` konvenuta zammet ghaliha l-ammont li kien dovut lis-socjeta` attrici, din kienet hatja ta' approprjazzjoni indebita ta' fondi, u xejn ma jiggova lis-socjeta` konvenuta li tghid li hija kienet dovuta somma sostanzjali minghand is-socjeta` estera ghas-servizzi taghha billi l-ebda ammont ma kien gie awtorizzat fil-konfront taghha. Inoltre jirrizulta mix-xhieda tar-rapprezentant tas-socjeta` konvenuta li l-allegat kreditu tas-socjeta` konvenuta ghall-ammont imsemmi mill-istess rapprezentant kien ghall-servizzi li nghataw bejn l-1 ta' Awwissu, 1994 u t-22 ta' Frar, 1995 u cioe` wara x-xahar ta' Lulju 1994 meta l-pagament lis-socjeta` attrici kien dovut u awtorizzat.

Ghar-ragunijiet fuq moghtija l-appell tas-socjeta` attrici qed jigi milqugh u konsegwentement is-sentenza appellata qed tigi riformata billi filwaqt li qed tigi kkonfermata in kwantu li din cahdet l-ewwel eccezzjoni tas-socjeta` konvenuta, l-istess sentenza qed tigi revokata inkwantu cahdet it-talbiet attrici u konsegwentement l-istess talbiet attrici qed jintlaqghu u s-socjeta` konvenuta qed tigi kkundannata thallas lis-socjeta` attrici l-ammont ta' erbatax-il elf mitejn sebgha u disghin lira maltin u disgha u hamsin centezimu (LM14,297.59) ekwivalenti ghas-somma ta' tlieta u tletin elf tlett mija u erbgha ewro u tlieta u erbghin centezmi (€33,304.43) bl-imghax legali kif mitlub fic-citazzjoni; u l-ispejjez kollha, kemm tal-prim istanza kif ukoll ta' dan l-appell, inkluzi l-ispejjez tal-ittra legali u tal-konsult, jithallsu kollha mis-socjeta` konvenuta appellata.

< Sentenza Finali >

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