



**CIVIL COURT  
FIRST HALL**

**THE HON. MR. JUSTICE  
JOSEPH ZAMMIT MC KEON**

Sitting of the 4 th October, 2010

Citation Number. 724/2010

**Simon Fiorini Lowell (ID 505774M), John Fiorini Lowell (ID 517347M) u Johanna Fiorini Lowell (ID 549647M)**

**vs**

**Andrew sive Andy Botha (British Passport No. 540007200)**

**The Court :**

Having considered the sworn application which was filed on the 16<sup>th</sup> September 2010 in terms of the special summary procedure, whereby for the reasons submitted therein, plaintiffs prayed this Court :

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1. To give judgement allowing their demand without proceeding to trial in terms of Sec.167 *et seq* of Chap.12 of the Laws of Malta.

2. To declare defendant their debtor in the amount of sixteen thousand two hundred and ninety four Euro sixty nine cents (€16,294.69).

3. To order defendant to pay them the amount of sixteen thousand two hundred and ninety four Euro sixty nine cents (€16,294.69).

With costs, including the costs of precautionary garnishee order No.1054/2010 of the 1<sup>st</sup> July 2010, and interest at law with effect from the date of filing of said garnishee order, to be borne by defendant who is being given notice that plaintiffs intend to furnish evidence by a reference to his oath.

Having considered plaintiffs` list of witnesses and their list of documents exhibited with their sworn application.

Having considered that defendant was duly served according to law with sworn application (and documents therewith attached).

Having this Court, at the hearing of the 4<sup>th</sup> October 2010, acceded to plaintiffs` request that proceedings in this lawsuit be conducted in the English language as defendant was a British national and did not understand the Maltese language.

Having heard submissions by parties` legal advisers.

Having considered that at the said hearing of the 4<sup>th</sup> October 2010, defendant did not satisfy this Court that he did have a *prime facie* defence in law or in fact to the action on the merits, nor did defendant disclose such facts or issues at law that were deemed sufficient to entitle him to defend the action.

Having considered all facts and circumstances.

This Court considers as proven the facts as they result from the sworn application.

**Therefore this Court decides and determines as follows -**

**1. Gives judgement without proceeding to trial in terms of Sec.167 *et seq* of Chap.12 of the Laws of Malta.**

**2. Declares defendant to be plaintiffs` debtor in the amount of sixteen thousand two hundred and ninety four Euro sixty nine cents (€16,294.69).**

**3. Orders defendant to pay plaintiffs the amount of sixteen thousand two hundred and ninety four Euro sixty nine cents (€16,294.69) with legal interest with effect from 1<sup>st</sup> July 2010.**

**4. Orders defendant to pay plaintiffs all judicial costs, including the costs of precautionary garnishee order No.1054/2010.**

**< Final Judgement >**

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