



EUROPEAN SMALL CLAIMS PROCEDURE

**ADJUDICATOR DR.
IAN SPITERI BAILEY**

Sitting of the 1 st June, 2010

Talba Number. 2/2010

Jean Pierre Fava

vs

McCarthy Cars (UK) Ltd.

The Tribunal,

Saw the Claim **Form A** presented by the claimant in which the same is claiming the amount of one thousand Sterling (GBP1000), together with all costs, for a refund in relation to a deposit paid for a car from the trader's website.

Saw the Answer **Form C** by virtue of which defendant claims that by virtue of Section 5(1)(b) of Council Regulation EC No 44/2001, this Tribunal does not have jurisdiction and the matter should be dealt with under English Law, and that the same defendant wishes to

Informal Copy of Judgement

make a counter-claim for failure to take delivery of the vehicle.

Took cognizance of all the acts and documents relating to the present case.

Took cognizance of Article 5(1)(b) of Council Regulation EC No 44/2001 which states that a person domiciled in a member state may be sued in the case of sale of goods, in the place where the goods, under the contract, were or should have been delivered.

Therefore, given the above, the Tribunal withholds the defendant's plea, decides that on the basis of Council Regulation 44/2001 EC, this Tribunal has no jurisdiction to decide the present case, and thus withholds from going into the merits of the said case.

< Final Judgement >

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