MALTA

QORTI CIVILI
PRIM' AWLA

ONOR. IMHALLEF
GINO CAMILLERI

Seduta tat-12 ta' Mejju, 2011

Citazzjoni Numru. 894/2010

Bank of Valleta plc

vs

1. Phone Direct Real Estate Services Limited (C 38559) u

2. Raymond u Catherine mizzewgin Galea (K.I. Numri 221858 (M) u 22057 (M))

Il-Qorti

Rat ir-rikors guramentat tas-socjeta' bankarja Bank of Valletta p.l.c fejn gie premess:-

1. Illi bit-termini u kundizzjonijeit imsemmija fil-kuntratt fl-atti tan-Nutar Dottor Anthony Grech Trapani datat 6 ta'

Ottubru 2006 (Dok ‘A’), is-socjeta’ attrici ikkoncediet facilitajiet bankarji lis-socjeta’ Phone Direct Real Estate Services Limited.

2. Illi s-socjeta’ attrici tinsab kreditrici tas-socjeta’ Phone Direct Real Estate Services Limited fis-somma ta’ erbgha u sebghin elf, erba’ mija u tmienja u ghoxrin ewro u erba’ centezmi (€74,428.04) bilanc ghad-debitu fl-‘Overdraft Accounts’ tas-socjeta’ Phone Direct Real Estate Services Limited mal-Bank of Valletta p.l.c (Dok “B1 sa B41”) flimkien ma’ l-imghax ulterjuri mit-13 t’ Awwissu 2010 sad-data ta’ l-effettiv pagament;

3. Illi permezz tal-kuntratt fl-atti tan-Nutar Anthony Grech Trapani datat 6 ta’ Ottubru 2006 (Dok ‘A’), u permezz ta’ skrittura privata datat 9 ta’ Gunju 2006 (Dok ‘C’), il-konvenuti Raymond u Catherine mizzewgin Galea ggarantew flimkien u ‘in solidum’ mas-socjeta’ Phone Direct Real Estate Services Limited a favur tal-Bank of Valletta p.l.c. id-debiti tal-istess socjeta’ Phone Direct Real Estate Services Limited mal-Bank of Valletta p.l.c.

4. Illi l-konvenuti gew interpellati permezz ta’ zewg ittri ufficjali datati 5 ta’ Frar 2010 li kopji taghhom qed jigu hawn ezibiti u mmarkati Dok “D” u “E”, sabiex jithallas id-dejn fuq imsemmi, izda dawn baqghu inadempjenti u ghal din ir-raguni kellha ssir din il-kawza.

Ghalhekk il-bank attur qed jitlob li, wara li jsiru d-dikjarazzjonijiet necessarji u li jinghataw il-provvedimenti opportuni, t-talba tigi akkolta u cioe’ li s-socjeta’ konvenuta u l-konvenuti l-ohra jigu kkundannati jhallsu lis-socjeta’ attrici s-somma ta’ erbgha u sebghin elf, erba’ mija u tmienja u ghoxrin ewro u erba’ centezmi (€74,428.04) bilanc ghad-debitu fl-“Overdraft Accounts” tas-socjeta’ Phone Direct Real Estate Services Limited mal-Bank of Valletta plc (Dok “B1 sa B41”) flimkien ma’ l-imghax ulterjuri mit-13 ta’ Awissu 2010 sad-data ta’ l-effettiv pagament.

Minghajr pregudizzju ghal somom ohra ta’ flus dovuti mill-konvenuti lis-socjeta’ attrici li ghalihom is-socjeta’ attrici tirrizerva li tipprocedi f’gudizzju separat.

Bl-ispejjez komprizi dawk taz-zewg ittri ufficjali datati 5 ta’ Frar 2010 kontra l-konvenuti li gew ingunti sabiex jidhru ghas-subizzjoni.

Semghet lix-xhud prodott mill-bank attur

Rat li l-konvenuti kollha, nonstante li jirrizultaw debitament notifikati, naqsu li jirrispondu u naqsu ukol li jidhru ghal din il-kawza.

Rat l-atti l-ohra kollha tal-kawza u d-dokumenti esibiti.

Rat li l-kawza giet differita sabiex tinghata s-sentenza.

Ikkonsidrat:

Mill-provi prodotti t-talbiet tal-bank attur jirrizultaw ampjament gustifikati u kwindi l-istess talbiet jimmeritaw li jigu akkolti.

Ghal dawn il-motivi:

Tiddeciedi billi tilqa t-talbiet attrici u tikkundanna lis-socjeta’ Phone Direct Real Estate u lill-konvenuti l-ohra Raymond u Catherine mizzewgin Galea jhallsu “in solidum” bejnithom lill-bank attur is-somma ta’ erbgha u sebghin elf, erba’ mija u tmienja u ghoxrin ewro u erba’ centezmi (€74,428.04) rappresentanti bilanc ghad-debitu fl-“Overdraft Accounts” tas-socjeta’ Phone Direct Real Estate Services Limited mal-Bank attur bl-imghaxxijiet kollha relattivi mis-6 ta’ Ottubru 2006 kif ukoll flimkien mal-imghax ulterjuri mit-13 ta’ Awissu 2010 sad-data ta’ l-effettiv pagament.

Spejjez kollha jithallsu mill-konvenuti in “solidum” bejnithom.

< Sentenza Finali >

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