MALTA

QORTI TAL-MAGISTRATI (MALTA)

MAGISTRAT DR.
GABRIELLA VELLA

Seduta tas-7 ta' Novembru, 2011

Avviz Numru. 254/2011

Marsovin (Sales and Distribution) Limited (C 20060)

Vs

Dr. Anthony Farrugia (I.D. Card Nru. 468259M) f'ismu proprio kif ukoll ghan-nom u in rapprezentanza tas-socjetà Allegro Andante Limited (C-24105)

Il-Qorti,

Rat ir-Rikors ipprezentat mis-socjetà attrici permezz ta' liema titlob li l-konvenut f'ismu proprio kif ukoll ghan-nom u in rapprezentanza tas-socjetà Allegro Andante Limited jigi kkundannat ihallasha s-somma ta' elfejn seba' mija u tmenin Euro u disgha u disghin centezmu (€2,780.99) rapprezentanti bilanc ta' somma akbar mislufa abbazi ta' kuntratt ta' self datat 16 ta' Marzu 2005, li s'issa ghadu ma thallasx;

Rat il-ftehim datat 16 ta' Marzu 2005 anness mar-Rikors promotur u markat Dok. "A" a fol. 2 sa' 6 tal-process;

Rat illi l-konvenut pro et noe gie notifikat izda ma kkontestax it-talba attrici u lanqas ma deher ghas-seduti li nzammu quddiem din il-Qorti;

Rat il-Kapitolu pprezentat mis-socjeta' attrici fil-konfront tal-konvenut pro et noe fit-13 ta' Ottubru 2011 u l-fatt li l-istess konvenut pro et noe naqas li jidher sabiex jirrispondih, u ghalhekk ghandu jittiehed bhala mistqarr ;

Rat l-atti l-ohra kollha tal-kawza ;

Ikkunsidrat :

Bl-azzjoni odjerna s-socjetà attrici titlob li l-konvenut f'ismu proprio u ghan-nom u in rapprezentanza tas-socjetà Allegro Andante Limited jigi ikkundannat ihallasha s-somma ta' €2,780.99, rapprezentanti bilanc minn somma akbar mislufa bis-sahha ta' ftehim datat 16 ta' Marzu 2005, anness mar-Rikors promotur bhala Dok. « A ».

Mill-imsemmi ftehim datat 16 ta' Marzu 2005 jirrizulta li : (i) is-socjetà Allegro Andante Limited, kif hemm rapprezentata mill-konvenut, obbligat ruhha *to purchase from the Company* (ossia s-socjetà attrici) *or its subsidiaries or associated Companies, the products sold or distributed by the Company specified in the Schedule annexed hereto and marked Schedule « A », hereinafter referred to as the « Products », for resale in the Establishment ... to purchase from the Company for resale in the Establishment a minimum of Nine Thousand One Hundred and Eighty Malta Liri (Lm9,180) worth of products per annum ... to promote the Products through the prominent display thereof ;* (ii) is-socjetà attrici *in consideration of the undertakings provided by the Operators under Clause 1 above, ... grants on loan to the Operators the sum of Four Thousand Seven Hundred and Fifty Malta Liri (Lm4,750) (hereinafter referred to as « The Loan ») to be repaid in accordance with Clause 4 hereof...* ; (iii) il-ftehim kellu validità ta' tlett snin b'effett

mid-data tieghu u *the loan* kellu jithallas entro dak tali terminu jew mad-determinazzjoni tal-ftehim bil-mod kif provdut fil-klawsola 4 ta' l-istess ftehim ; u (iv) il-konvenut f'ismu personali ntrabat bhala garanti ghas-socjetà Allegro Andante Limited versu s-socjetà attrici u *in security of the fulfillment of the obligations undertaken by the Operators under this Agreement, the Guarantors are hereby binding themselves jointly and severally with the Operators in favour of the Company, which accepts*.

Il-konvenut pro et noe, ghalkemm notifikat bir-Rikors promotur naqas milli jikkontesta t-talba attrici u lanqas deher ghas-seduti li nzammu mill-Qorti. Huwa naqas ukoll milli jirrispondi ghall-Kapitolu ipprezentat mis-socjetà attrici, liema Kapitolu ghalhekk dan ghandu jitqies bhala mistqarr.

Fic-cirkostanzi l-Qorti tqis li t-talba tas-socjetà attrici ghall-kundanna tal-konvenut pro et noe ghall-hlas tas-somma ta' €2,780.99 hija gustifikata u b'hekk jisthoqq li tigi milqugha.

Ghaldaqstant, il-Qorti taqta' u tiddeciedi l-kawza billi tilqa' t-talba attrici u tikkundanna lill-konvenut f'ismu proprio u ghan-nom u in rapprezentanza tas-socjetà Allegro Andante Limited ihallas lis-socjetà attrici s-somma ta' €2,780.99, bl-imghax legali dekoribbli mis-17 ta' Awissu 2011, id-data tan-notifika tar-Rikors promotur lill-konvenut pro et noe, sad-data ta' l-effettiv pagament.

L-ispejjez ta' dawn il-proceduri jibqghu a karigu tal-konvenut pro et noe.

< Sentenza Finali >

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