MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
VINCENT GALEA

Seduta tas-6 ta' Gunju, 2012

Talba Numru. 106/2012

MOBISLE COMMUNICATIONS LIMITED

vs

THE GOLDEN SHEPHERD GROUP LIMITED

It-Tribunal,

Ra t-talba mressqa fis-7 ta’ Frar, 2012 u li permezz taghha s-socjeta attrici talbet il-hlas, minghand is-socjeta konvenuta, tas-somma ta’ tlett elef mija hamsa u erbghin euro u tnejn u ghoxrin centezmi ta’ euro (€3,145.22) u dan wara li ppremettiet hekk:

“Illi s-socjeta rikorrenti Mobisle Communications Limited hija kreditrici tas-socjeta intimata fis-somma ta’ tlett elef, mija u hamsa u erbghin euro u tnejn u ghoxrin centezmu (€3,145.22) kif jirrizulta mill-annessi statements of account (kopji taghhom hawn annessi u mmarkati Dok M1 u Dok M2 rispettivament).

Illi dan l-ammont huwa dovut in kwantu s-somma ta’ elfejn u hmistax-il euro u sebgha u erbghin centezmu (€2,015.47) rapprezentanti ammont dovut fuq mobile telephony u in kwantu ghas-somma ta’ elf, mija u disgha u ghoxrin euro u hamsa u sebghin centezmu (€1,129.75) rapprezentanti hardware mibjugh u kkonsenjat lis-socjeta intimata kif jidher evidentement mill-annes statements of account.

Illi s-socjeta rikorrenti qeghda taghmel din it-talba wara li s-socjeta intimata giet interpellata permezz ta’ ittra legali mibghuta mis-socjeta rikorrenti fit-8 ta’ Frar, 2011, izda l-istess socjeta intimata baqghet inadempjenti.

Illi ghar-ragunijiet premessi s-socjeta rikorrenti qeghda titlob bir-rispett lil dan l-Onorabbli Tribunal joghgbu jikkundanna lis-socjeta intimata thallas l-ammont ta’ tlett elef, mija u hamsa u erbghin euro u tnejn u ghoxrin centezmu (€3,145.22), bl-ispejjez u bl-imghax legali dekorribli mid-data tal-fatturi relattivi sad-data tal-hlas effettiv tas-somma kollha”.

Ra li mill-atti jirrizulta li ghalkemm is-socjeta konvenuta giet debitament notifikata bl-avviz tas-smiegh u bit-Talba odjerna wara li giet segwita l-procedura tal-affissjoni u pubblikazzjoni skond il-ligi, ma kkontestatx il-kawza fit-terminu preskritt mil-ligi u lanqas ma dehret ghas-seduti li nzammu quddiem it-Tribunal wara tali notifika u cioe nhar il-25 ta’ Mejju, 2012 u tal-lum stess.

Ra l-kapitolu li gie pprezentat mis-socjeta attrici fis-seduta mizmuma quddiemu nhar il-25 ta’ Mejju, 2012 u l-fatt li s-socjeta konvenuta naqset li tidher illum sabiex tirrispondih, u ghalhekk ghandu jittiehed bhala mistqarr.

Ghaldaqstant, peress illi t-talba tas-socjeta attrici tirrizulta sodisfacentement ippruvata, t-Tribunal jilqa’ t-talba u jikkundanna lis-socjeta konvenuta thallas lis-socjeta attrici s-somma ta’ tlett elef mija hamsa u erbghin euro u tnejn u ghoxrin centezmi ta’ euro (€3,145.22), bl-imghax kif mitlub.

L-ispejjez huma ghak-karigu tas-socjeta konvenuta fl-intier taghhom.

< Sentenza Finali >

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