MALTA

QORTI CIVILI
PRIM' AWLA

ONOR. IMHALLEF
SILVIO MELI

Seduta tat-8 ta' Ottubru, 2013

Citazzjoni Numru. 416/2012

Ignatius Mallia
(I.D. Numru 139271 (M)), li jiggestixxi n-negozju taht l-isem IGM Lift Supplies

vs

Residential Care Services Limited
(C – 47938)

Il-Qorti,

Rat ir-rikors guramentat promotur datat is-26 t'April, 2012, li permezz tieghu r-rikorrenti sintetikament ikkonferma s-segwenti:

1. Illi fis-26 ta' Settembru, 2009, is-socjeta` intimata iffirmat zewg (2) kuntratti mar-rikorrenti li permezz taghhom xtrat "*wheelchair platform lift*" ghall-prezzijiet hemm indikati;

2. Illi s-socjeta` intimata hallset parti mill-ammont minnha dovut u ghad baqghalha thallas id-differenza;

3. Illi ghalhekk l-ammont dovut hu cert, likwidu u dovut;

4. Illi in vista tal-premess ir-rikorrenti jitlob is-segwenti:

i. Illi l-procedura odjerna tinstema’ bid-dispensa tas-smiegh tal-kawza a tenur tal-artikli 167 sa 170 tal-Kap 12 tal-Ligijiet ta’ Malta;

ii. Illi s-socjeta` intimata tigi kkundannata thallas is-somma ta’ tmienja u ghoxrin elf, disa’ mija u erbghin Ewro, (€28,940.00), bilanc minn somma akbar ghal *lift* u *wheelchair platform* suppliti u stallati fil-fond “*Travellers Logde*” kif indikat fl-istess rikors guramentat promotur;

iii. Bl-ispejjez kif dedotti fl-istess rikors guramentat promotur u bl-imghaxijiet mill-1 t’April, 2010;

Rat id-dokumenti kollha esebiti;

Tosserva li jirrizulta assodat li s-socjeta` intimata fuq indikata giet debitament notifikata kemm bir-rikors guramentat promotur kif ukoll bid-debitu avviz ghas-smiegh u baqghet ma ntavolat l-ebda risposta, (ara fol 24);

Illi konsegwenza tal-istess is-socjeta` intimata waqghet fi stat ta’ kontumacja;

Semghet lir-rikorrenti bil-gurament li kkonferma li mid-data tal-intavolar tal-procedura odjerna, is-sitwazzjoni ma nbidlitx u konsegwentement, l-istess socjeta` intimata ghadha fi stat ta’ debitu fil-konfront tar-rikorrenti kif minnu ippostulat fir-rikors guramentat promotur;

Illi konsegwenza tas-suespost hi sodisfatta li r-rikorrenti ipprova l-kaz tieghu skont il-ligi u konsegwentement, filwaqt li takkolji t-talbiet kollha tar-rikorrenti:

1. Tordna li l-procedura odjerna tinstema' bid-dispensa tas-smiegh tal-kawza kif mitlub;

2. Tikkundanna lis-socjeta` intimata *Residential Care Services Limited* biex thallas l-ammont ta' tmienja u ghoxrin elf, disa' mija u erbghin Ewro, (€28,940.00), minnha dovut lir-rikorrenti Ignatius Mallia ghal *lift* u *wheelchair platform* suppliti u stallati mir-rikorrenti fil-fond tas-socjeta` intimata kif indikat fir-rikors guramentat promotur;

3. Bl-ispejjez kif dedotti u bl-imghaxijiet minnha lilu dovuti skont il-ligi mill-1 t'April, 2010, sad-data tal-effettiv pagament.

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Onor. Imhallef Silvio Meli

< Sentenza Finali >

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