MALTA

QORTI CIVILI
PRIM' AWLA

ONOR. IMHALLEF
SILVIO MELI

Seduta tas-6 ta' Frar, 2014

Rikors Numru. 1005/2013

Sebastian Antonio Vlasblom (passport NDL 7L3RKI) ghan nom u in rapprezentanza tas-socjeta` Sven Erik Vlasbon BV, socjeta`estera registrata gewwa Hellevoetslius l-Olanda bin-Numru ta’ Registrazzjoni 24490187 kif debitament awtorizzat

vs

Falcontainers Limited C54447 u Deep Sea Containers Ltd C36872

Il-Qorti,

1.0. Rat ir-rikors tas-socjeta` *Falcontainers Limited* datat il-21 t’Ottubru, 2013, li permezz tieghu esponiet sintetikament is-segwenti:

1.1. Illi permezz ta’ mandat ta’ sekwestru datat il-11 t’Ottubru, 2013 Sebastian Antonio Vlasblom nomine

issekwestra il-kontijiet ta’ zewg socjetajiet senjatament dik hawn rikorrenti *Falcontainers Limited* u dik bl-isem ta’ Deep Sea Containers Limited, u dan ghal ammont komplessiv ta’ dsatax il-elf, u tnejn u ghoxrin Euro u sitta u ghoxrin centezmu, €19,022.26 (ara fol 5);

1.2. Illi l-istess mandat in dizamina riferit fil-paragrafu precedenti inhareg a bazi ta’ *invoice statement* datat l-14 ta’ Settembru, 2013, u hu indirizzat fil-konfront taz-zewg (2) socjetajiet indikati fil-paragrafu precedenti;

1.3. Illi jigi ribadit li nonostante dak sostenut mill-intimat odjern Vlasblom nomine, l-*invoices* originali huma indirizzati liz-zewg socjetajiet fuq riferiti separatament;

1.4. Illi ghalhekk is-socjeta` hawn rikorrenti, *Falcontainers Limited* issostni li dan l-ammont qatt ma seta’ jigi indirizzat kontra taghha, u semmai, ghandu jigi limitat ghall-ammont ta’ hamest elef, erbgha mija u disgha u hamsin Ewro u tnejn u hamsin centezmu, €5,459.52;

1.5. Illi l-agir tal-intimat odjern Vlasblom hu wiehed abbuziv u llecitu;

1.6. Illi ghalhekk l-ammont mitlub fis-sekwestru kawtelatorju hu wiehed li m’hux gustifikat *prima facie* u hu eccessiv;

1.7. Illi ghaldaqstant titlob li l-mandat in dizamina jigi revokat u mhassar;

2. Ezaminat id-dokumenti ezebiti;

3. Semghet ix-xhieda prodotta u mismugha konguntivament fl-atti tar-rikors numru 1003/2013 fl-istess ismijiet fuq indikati;

Ikkunsidrat:

4. Illi mix-xhieda mismugha jirrizulta li fl-operat taghhom fir-rigward tal-vertenza in dizamina s-socjetajiet

Falcontainers Limited u *Deep Sea Containers Limited* kienu jagixxu koralment u l-pagamenti dovuti minnhom u lilhom kienu jigu indirizzati lil xulxin billi halqu l-hekk imsejha "*confusio*" li jaghmilha difficli ferm ghal min jinnegozja maghhom biex jippreciza ma min kien effettivament qed jinnegozja;

5. Illi ghalhekk ghandu jkun pacifiku li z-zewg socjetajiet *de quo* agixxew koralment u indistintament minn xulxin, u b'hekk il-mandat kawtelatorju intavolat fil-konfront taghhom ma jirrizultax li hu xi wiehed li mhux gustifikat stante li din hi rizultat tal-azzjonijiet minnhom stess inizjati;

DECIDE;

6.0. Ghaldaqstant, in vista tal-premess;

6.1. Tichad it-talbiet tas-socjeta` rikorrenti *Falcontainers Limited*;

6.2. Tikkonferma l-mandat kawtelatorju in dizamina mahrug minn Sebastian Antonio Vlasblom, (ara fol 5);

6.3. Bl-ispejjez kontra s-socjeta` rikorrenti *Falcontainers Limited.*

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Onor. Imhallef Silvio Meli

Decizjoni Finali

< Sentenza Finali >

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