MALTA

QORTI CIVILI

PRIM' AWLA

ONOR. IMHALLEF

SILVIO MELI

Seduta tas-27 ta' Gunju, 2014

Citazzjoni Numru. 156/2014

Illum is-27 ta' Gunju, 2014.

Rikors Numru 156/2014 SM

Josephine Camilleri, xebba (I.D. 381335 M), Maddalena mart John Debono (I.D. 804339 M), Victoria mart George Gatt (I.D. 386943 M), Theresa mart Carmel Falzon (I.D. 467645 M) u Angela mart Joseph Naudi (Pass. No. JP223640), ahwa Camilleri, Reverendu Dun Emanuel Camilleri (I.D. 688261 M), f'ismu propju u f'isem hutu Silvio (I.D. 567159 M), Joseph Mary sive Jesmond (401665 M), il-Perit Joseph (I.D. 533160 M), Carmen (I.D. 29163 M) u Maria Victoria sive Marvic Bartolo (I.D. 250967 M), ulied il-mejjet Joseph Camilleri;

Anthony (I.D. 337735 M) u Victoria armla ta' Joseph Galea (I.D. 653148 M), Pauline mart Simon Bonnici (I.D. 328050 M) f'isimha propju u bhala kuratrici f'isem ohtha Maddalena armla ta' Paul Cortis (I.D. 502044 M), debitament awtorizzata, ahwa Camilleri; flimkien ma' Victor sive Hector (I.D. 490463 M), Emanuel (I.D. 398555 M), Josephine Anne sive Joanne Gatt (I.D. 94772 M), Maria Dolores Mangion (I.D. 303859 M), Josephine sive Joyce Schembri (I.D. 484361 M) ahwa Camilleri, ulied il-mejjet Joseph Camilleri, u ommhom Maria Anna Camilleri (I.D. 817836 M);

Joseph (I.D. 752947 M), Carmen mart Lawrence Mamo (I.D. 232949 M), Emanuel (I.D. 559751 M), Salvatore (I.D. 494252 M), Mary mart Mario Farrugia (I.D. 137056 M) u Maria Dolores sive Doris mart Mario Vella (I.D. 638558 M), ahwa Muscat;

Marianna mart Peter Dimech (I.D. 311040 M), Salvina mart Bartolomeo Farrugia (I.D. 214541 M), Victoria mart Salvatore Camilleri (I.D. 1077546 M), ahwa Micallef;

Maria-Victoria sive Marvic mart Joseph Aquilina (I.D. 261367 M), Nazzareno (I.D. 539665 M), Stephen (I.D. 178569 M), Jason I.D. 371372 M) u Joanna mart Victor Bellia minnu legalment mifruda (I.D. 55074 M), ahwa Micallef;

John (I.D. 215129 M), Celestina mart Nazzareno Fenech (I.D. 797635 M), Charles (Pass. No. M5497175), Saviour (Pass. No. 4560756), Victoria mart Joseph Stivala (Pass. No. L3548252) u Alexandra mart Luke Zammit (Pass. No. J1842221), ahwa Grech; flimkien ma Speranza (I.D. 328250 M), Angelo (I.D. 494652 M), Paul (I.D. 298641 M), Albert (I.D. 419057 M), Joseph (I.D. 217756 M), Emanuel (I.D. 710259 M), Carmen mart Emanuel Camilleri (I.D. 297462 M), Doris

mart Saviour Gatt (I.D. 556253 M), Marianne mart Joseph Galea (I.D. 6255 M), Lucy mart Joseph Camilleri(I.D. 38566 M), Grace mart Victor Bonavia, ahwa Xuereb; flimkien ma' Carmela armla ta' Joseph Grech (I.D. 493828 M), u uliedha Paul (I.D. 104355 M), Emanuel (I.D. 95957 M), Victor (I.D. 431465 M), Albert (I.D. 445469 M), Anthony (I.D. 12059 M), Dorianne mart Carmelo Vella (I.D. 5273 M), Salvina mart Carmelo Bezzina (I.D. 213952 M), Grace mart Vincent Cortis (I.D. 516853 M), Tessie mart Angelo Vella (I.D. 84861 M), Marija mart Paul Micallef (I.D. 293163 M), Margaret mart John Mifsud (I.D. 227168 M), ahwa Grech; flimkien ma' Frangiska Grech armla ta' Emanuel (Pass. No. K16703900);

Maryanne mart Filippo Munzone minnu legalment mifruda (I.D. 53464 M); u Marianna mart Carmelo Camilleri (I.D. 863937 M).

vs

Dr Martin Fenech LLD u il-Prokuratur Legali Madeline Firman mahtura b'digriet ta' Kuraturi biex jidhru ghall-werrieta mhux maghrufa ta' Carmelo Micallef, b'digriet datat l-10 ta' Marzu, 2014.

Il-Qorti,

1.0. Rat ir-rikors guramentat promotur datat it-18 ta' Frar, 2014, li permezz tieghu r-rikorrenti *nomine* sintetikament esponew is-segwenti:

1.1 Illi huma ghandhom erbgha u ghoxrin sehem indiviz minn hamsa u ghoxrin (24/25), ta' hanut numru 54, Triq William Reid, il-Gzira, kif notifikat fl-istess rikors guramentat promotur;

1.2 Illi l-istess fond hu mizmum in komun u ilu hekk ghal aktar minn ghaxar (10) snin minn wara l-mewt ta' Celestina Camilleri;

1.3 Illi s-sehem rimanenti gej mill-propjeta` ta' Carmelo Micallef kif ukoll hemm indikat, li pero` l-werrieta tieghu m'humiex maghrufin;

1.4 Illi r-rikorrenti jixtiequ jbieghu il-fond *de quo* lil Stefan u Anne Marie Cutajar ghall-prezz ta' tmintax –il elf Ewro, (€18,000.00);

1.5 Illi in vista tal-premess aderew din il-qorti biex din:

1.5.1. Tahtar kuraturi biex jidhru ghall-komproprjetarji mhux maghrufa werrieta ta' Carmelo Micallef;

1.5.2. Tawtorizza l-bejgh tal-fond riferit bil-prezz fuq indikat u bil-kundizzjonijiet l-ohra gia` pattwiti fil-konvenju *de quo* u fil-prospett relattiv;

1.5.3. Tordna li z-zewg kuntratti ta' bejgh jigu pubblikati minn Nutar Dottor Nicholas Briffa fil-hin, jum u post minnha indikat;

1.5.4. Tawtorizza lill-kuraturi fuq gia` indikati biex jidhru f'isem minn mill-komproprjetarji jonqos milli jidher ghall-pubblikazzjoni tal-kuntratt *de quo*;

2. Ezaminat id-dokumenti kollha esebiti mall-istess rikors guramentat promotur;

3. Rat ir-risposta tal-Kuraturi Deputati datata is-7 ta' Mejju, 2014;

4. Semghet lix-xhud prodott mir-rikorrenti li ikkonferma mill-gdid il-fatti kif esposti fir-rikors guramentat promotur;

Ikkunsidrat:

5. Illi sodisfatta li l-fatti fuq sintetikament elenkati gew debitament ipprovati tqis li r-rikorrenti ipprovaw il-kaz taghhom skont il-ligi;

DECIDE:

6.0. Illi in vista tal-premess taqta` u tiddeciedi il-vertenza odjerna bil-mod segwenti:

6.1. Illi l-Kuraturi Deputati fuq gia` indikati jidhru ghall-komproprjetarji mhux maghrufa werrieta ta' Carmelo Micallef kif mitlub;

6.2. Illi tawtorizza l-bejgh tal-fond fuq riferit 54, Triq William Reid, il-Gzira lill-imsemmija konjugi Stefan u AnneMarie Cutajar ghall-prezz ta' tmintax –il elf Ewro, (€18,000.00);

6.3. Illi tordna li z-zewg kuntratti indikati fir-rikors promotur jigu redatti minn Nutar Dottor Nicholas Briffa kif mitlub, u dan fi zmien tlett (3) xhur mid-data ta' din is-sentenza u f'post li l-istess Nutar jidhirlu xieraq;

6.4. Illi tawtorizza lill-istess imsemmija Kuraturi Deputati biex jidhru fl-istess kuntratti f'isem il-komproprjetarji li jonqsu li jidhru ghall-pubblikazzjoni tal-kuntratt *de quo*;

6.5. Bl-ispejjez ta' din il-procedura jinqasmu b'mod ugwali bejn ir-rikorrenti.

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Onor. Imhallef Silvio Meli

Decizjoni Finali

< Sentenza Finali >

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