MALTA

# QORTI CIVILI

# PRIM' AWLA

## ONOR. IMHALLEF

## ANNA FELICE

Seduta tat-23 ta' Gunju, 2015

Citazzjoni Numru. 457/2015

**Banif Bank (Malta) plc (C41030)**

**vs**

**Etienne u Nathalie Carmen Cassar**

Il-Qorti:

Rat ir-rikors guramentat ta’ Banif Bank (Malta) plc li permezz tieghu, wara li gie premess illi:

Il-Kumpanija attrici hi bank kummercjali licenzjat taht il-Ligijiet ta’ Malta biex fost l-ohrajn issellef flus lill-klijenti taghha.

Il-konvenuti huma klijenti tal-kumpanija attrici u hadu minn ghandha self biex jiffinanzjaw l-akkwist tar-residenza taghhom.

Is-self kien jammonta ghal mija u disgha u erbghin elf Euro (€149,000) u specifikament kien jikkonsisti fis-segwenti:

House Loan I mija u hamsa u tletin elf Ewro, (€135,000), u

House Loan II erbatax-il elf Ewro (€14,000).

Dan is-self inghata permezz ta’ kuntratt maghmul fl-atti tan-Nutar Dr. Reuben Debono fl-4 ta’ April 2011 u Credit Agreement relattiv datat 18 ta’ Frar 2011 (ara Dok. ‘A’ u Dok. ‘B’ rispettivament).

Kuntrarju ghal dak maqbul minnhom mal-kumpanija attrici, l-konvenuti naqsu milli jhallsu lura parti mill-ammont misluf lilhom.

Il-bilanc dovut fuq House Loan I jammonta ghal mija u sebgha u ghoxrin elf u hames mija u sebgha u sittin Euro u tnejn u hamsin centezmu (€127,567.52), jinkludi imghaxijiet ta’ tlett mija u tnax-il Euro u hmistax-il centezmu (€312.15) kalkolati

sal-24 t'April 2015 u jikkoncerna Loan Account numru 17162071001 (ara Dok. 'C').

Il-bilanc dovut fuq House Loan II jammonta ghal tlettax-il elf, mitejn u hamsa u hamsin Euro u disgha u sittin centezmu (€13,255.69), jinkludi imghaxijiet ta' tlieta u tletin Euro u tmintax-il centezmu (€33.18) kalkolati sal-24 t'April 2015 u jikkoncerna Loan Account numru 171620 71 002 (ara Dok. 'D').

Dan il-bilanc sar dovut mill-konvenuti lill-kumpanija attrici fl-intier tieghu ai termini t'artikolu 11(n) tal-Credit Agreement gja citat u dan ghax kif jistipula dan l-istess Artikolu, sehhew wahda jew aktar mill-events of default imsemmijin f'dan il-Credit Agreement, partikolarment, izda mhux esklussivament:

"a. Default by the Borrower/s in the payment of any amount of principal, interest, fees, charges due for payment in the manner stipulated in the agreement regulating the Facility,

b. The Borrower/s committing any other breach of or omitting to observe any other of the obligations and undertakings as expressed to be assumed by it in the agreement regulating the Facility.

n. Any other event which in the Bank's reasonable opinion gives grounds for belief that the Borrower/s may not perform all or any of the obligation/s under or otherwise comply with the terms of the agreement regulating the Facility".

Oltre l-facilitajiet fuq imsemmija, il-kumpanija attrici kkoncediet lill-konvenuti l-uzu ta' Credit Card bin-numru 4196806000019873 (ara Dok. 'E'), u fuq din il-Credit Card

hemm dovut l-ammont ta’ sebat elef, tlett mija, hamsa u tmenin Euro u sittax-il centezmu (€7,385.16), liema ammont jinludi imghaxijiet ta’ tlieta u tletin Euro u disa’ u sittin centezmu (€33.69) kalkolati sal-24 t’April 2015 (ara Dok. ‘F’).

In vista tas-suespost, l-ammont totali dovut mill-konvenuti lill-kumpanija attrici sal-24 t’April 2015, kien ta’ mija, tmienja u erbghin elf, mitejn u tmien Euro u sebgha u tletin centezmu (€148,208.37).

Il-kumpanija attrici ttentat tinterpella lill-konvenuti diversi drabi biex ihallsulha d-dejn, fosthom permezz ta’ ittra ufficcjali numru 3172/2014 datata 10 ta’ Settembru 2014 (ara Dok. ‘G’) izda, dawn baqghu inadempjenti.

Il-kreditu tal-kumpanija attrici huwa cert, likwidu u dovut u l-konvenuti m’ghandomx eccezzjonijiet x’jaghtu f’dan ir-rigward kontra t-talbiet tal-kumpanija attrici.

Ghalhekk jezistu l-elementi kollha rikjesti mill-Ligi a tenur tal-Artikoli 167 et sequitur tal-Kapitolu 12 tal-Ligijiet ta’ Malta.

Intalbet din il-Qorti biex:

1. Taqta’ u tiddecedi dina l-kawza bid-dispensa tas-smiegh, ai termini tal-Artikoli 167 et sequitur tal-Kap. 12 tal-Ligijiet ta’ Malta.

2. Tiddikjara li l-konvenuti saru debituri tal-kumpanija attrici fl-ammont ta’ €148,208.37.

3. Tikkundanna lill-konvenuti jhallsu lill-kumpanija attrici l-ammont ta’ €148,208.37.

Bl-ispejjez, bank charges and fees u bl-imghaxijiet mill-24 t’April 2015 sad-data tal-pagament effettiv.

Rat li l-intimati, minkejja li gew debitament notifikati, baqghu ma dehrux biex iwiegbu ghall-kawza.

Semghet lix-xhud.

Fic-cirkostanzi, ghaldaqstant, il-Qorti taqta’ u tiddeciedi billi tilqa’ l-ewwel talba, tilqa’ t-tieni talba, u tilqa’ t-tielet talba u tikkundanna lil Etienne u Nathalie Carmen Cassar ihallsu lil Banif Bank Malta plc is-somma ta’ €148,208.37 (mija, tmienja u erbghin elf, mitejn u tmien Euro u sebgha u tletin centezmu), bl-ispejjez u imghaxijiet kif mitluba fir-rikors promotur.

L-ispejjez tal-kawza jithallsu minn Etienne Cassar u Nathalie Carmen Cassar.

**< Sentenza Finali >**

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