MALTA

QORTI CIVILI
PRIM'AWLA

ONOR. IMHALLEF
SILVIO MELI

LL.D.; Dip.Stud.Rel.; Dip.Can.Matr. Jur. & Proc.;
Cert.Jur. & H.R. (Strasbourg);
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Illum is-16 ta' Dicembru, 2015

Rikors Numru 1077/2015 SM

Charles Grech & Company Limited
(C – 2473)

vs.

Jade Limited
(C – 9145)

Il-Qorti,

1.0. Rat ir-rikors guramentat promotur datat it-13 ta' Novembru, 2015, li permezz tieghu s-socjeta` rikorrenti sintetikament esponiet s-segwenti:

1.1. Illi s-socjeta` intimata ghandha taghti lis-socjeta` rikorrenti s-somma ta' sbghatax il-elf, erbgha mija u hamsa u hamsin Ewro u wiehed u sebghin centezmu, (€17,455.71), bilanc minn somma akbar ghall-merkanzija mibjugha u kkonsenjata lilha, (ara foll 6);

1.2. Illi *nonostante* li interpellata biex taghmel tajjeb ghall-istess, is-socjeta` intimata baqghet inadempjenti;

1.3. Illi d-debitu in dizamina hu cert, likwidu u dovut;

1.4. Illi konsegwenza tal-istess is-socjeta` rikorrenti aderiet din il-qorti biex:

1.4.1. Tipprocedi ghas-sentenza *ai termini* tal-artiklu 167 *et sequitur* tal-Kap 12 tal-Ligijiet ta' Malta;

1.4.2. Tikkundanna lis-socjeta` intimata biex thallas lis-socjeta` rikorrenti s-somma ta' €17,455.71, bilanc minn somma akbar ghall-merkanzija mibjugha u kkonsenjata lilha, bl-imghaxijiet ulterjuri skont il-ligi mid-data tal-pagament dovut sad-data tal-effettiv pagament;

1.4.3. Bl-ispejjez kif dedotti fl-istess rikors guramentat promotur;

2. Rat id-dokumenti esebiti;

3. Semghet lir-rapprezentant tas-socjeta` intimata li bil-gurament tieghu kkonferma li l-ammont mitlub mis-socjeta` rikorrenti fil-konfront tas-socjeta` intimata minnhu rapprezentata hu attwalment dovut kif fuq spjegat;

Ikkunsidrat:

4.0. Illi konsegwenza ta' l-ammissjoni fuq indikata din il-qorti tqis li s-socjeta` rikorrenti pprovat il-kaz taghha skont il-ligi, u konsegwentement:

DECIDE:

4.1. Tordna li tipprocedi *ai termini* tal-artiklu 167 *et sequitur* tal-Kap fuq gia` indikat;

4.2. Tikkundanna lis-socjeta` intimata *Jade Limited* biex thallas lis-socjeta` rikorrenti Charles Grech *& Company Limited* is-somma ta' sbghatax il-elf, erbgha mija u hamsa u hamsin Ewro u wiehed u sebghin centezmu, (€17,455.71), bilanc dovut minn somma akbar ghall-merkanzija mibjugha u kkonsenjata lill-istess socjeta` intimata, flimkien ma' l-imghaxijiet ulterjuri kif mitlub mill-istess socjeta` rikorrenti fir-rikors guramentat promotur mid-data tal-dovut pagament sad-data tal-pagament effettiv;

4.3. Bl-ispejjez kif dedotti fl-istess rikors guramentat promotur kontra s-socjeta` intimata.

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Onor. Imhallef Silvio Meli

Decizjoni Finali