



COURT OF MAGISTRATES (MALTA)
MAGISTRATE Dr. Marse-Ann Farrugia LL.D.

Sitting held to-day 12th July 2017

Application Number: 61/2017MLF

**In the records of the Judicial Letter
Number 3990/2011, in the names:**

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

vs

**Bassam El-Amami
(I.D. number 21488A)**

The Court,

Having seen the application of the company Banif Bank (Malta) plc, duly confirmed under oath by Vanessa Bugeja, who stated:

That by a means of a public deed in the records of Notary Dr. Tiziana Refalo dated 8th July 2011, Bassam El-Amami (Debtor) admitted his debt with the applicant company, which later filed the above-mentioned judicial letter to render the public deed executable (vide Doc. X);

Up to the 2nd March 2017, the debt, including interest and expenses stood at three thousand, two hundred and three Euro and forty four cents (€3,203.44). Interest and expenses which accumulated from the said date till date of settlement will also be due;

The above-mentioned sum of €3,203.44 consists of the following:

1. Capital amounting to one thousand, eight hundred and seventy-seven Euro and twenty-nine cents (€1,877.29), already mentioned in the judicial letter referred to above,
2. Interest amounting to one thousand, seventy-five Euro and seventy-five cents (€1,075.75), calculated in accordance with the public deed referred to above, from the 16th November 2011 up to the 2nd March 2017, and
3. Expenses amounting to two hundred and fifty Euro and forty cents (€250.40), calculated in accordance to the taxed Bill of Costs (vide Doc. Y) and inclusive of the Value Added Tax charged on the lawyer's fees and legal procurator's fees;

Since more than 5 years lapsed from the date when the aforementioned public deed could have been executed and since the debt is still outstanding, the applicant company respectfully filed an application in terms of Article 258(c) of Chapter 12 of the Laws of Malta;

Therefore, the applicant company requested this Court to authorise and order that the title obtained by it against the Debtor becomes an executable one anew, so that the said applicant company may eventually execute such title and issue executive warrants and any other necessary act against him, in order to recover the amount due.

Having seen the document signed by the defendant wherein he stated that he does not have money to engage a lawyer and wanted to defend the case himself. He also stated that it is true that he owes money to the applicant Bank, and he is willing to pay the debt by monthly repayments.

Having seen that in the sitting of the 31st May 2017, the Court informed the defendant that he

may be entitled to legal assistance, but the defendant declared that he does not need legal assistance, since he already talked to officers from the Bank.

Having heard the evidence, and seen all the records and documents exhibited.

Having heard witness Luke Bonello, Senior Executive of the applicant Bank, confirm under oath that on the date of filing the application above-mentioned, the amounts due by the defendant to the Bank were those indicated in the said application.

Having heard the defendant confirm under oath that the amount claimed by the Bank in the above-mentioned application is due by him.

Conclusion

In view of the above considerations, the Court accedes to the requests of the applicant Bank, and authorises it to execute the executive title it has against the defendant in virtue of the public deed signed between the parties on the 8th July 2011, in the records of Notary Dr. Tiziana Refalo up to the limit of the capital of one thousand, eight hundred and seventy-seven Euro and twenty-nine cents (€1,877.29), as well as on the interest up to the amount of one thousand, seventy-five Euro and seventy-five cents (€1,075.75), and this in accordance with Article 258(c) of Chapter 12 of the Laws of Malta.

As regards the judicial expenses requested by the plaintiff bank in its application, these do not form part of the executive title above-mentioned, and hence the Court is abstaining from taking cognisance of this request.

The costs of these proceedings are to be borne by the defendant.

Magistrate

Robert Bugeja
Deputy Registrar