FIT - TRIBUNAL GHAL TALBIET ZGHAR

SMALL CLAIMS TRIBUNAL

GUDIKATUR: DR ANTHONY ELLUL, LL.D.

SEDUTA TA' NHAR IT-TLIETA 27 TA' NOVEMBRU, 2001

Numru: 1

Avviz Nru: 1232/01 AE

Middle Sea Insurance plc kif surrogata fid-drittijiet tal-assikurat taghha Joseph Mangion u l-istess Joseph Mangion

vs

Manolito Magri

It-Tribunal,

Ra l-avviz tat-talba li permezz tieghu l-atturi talbu l-hlas ta' tlett mija u sebgha u hamsin lira Maltija u sitt centezmi (Lm357.06), in kwantu ghas-somma ta' Lm322.56 lis-socjeta assigurata u in kwantu ghas-somma ta' Lm34.50 lill-attur Joseph Mangion, rapprezentanti danni li sofrew meta l-konvenut waqt li kien qed isuq il-vettura bin-numru EBY 564 fit-18 ta'

April 2001 gewwa Santa Venera, habat mal-vettura bin-numru EAH 504 propjeta tal-attur Joseph Mangion u kkaguna danni fl-istess vettura.

Ra li l-konvenut debitament notifikat baqa' ma deherx quddiem it-Tribunal u lanqas ma pprezenta risposta fit-terminu preskritt mil-ligi.

Semgha x-xhieda li tressqu mill-atturi.

Ra l-atti tal-kawza.

Ikkunsidra:

1. Illi mill-provi li tressqu rrizulta li:

    (i) Il-vettura numru EAH 504 kienet ipparkjata fi Triq Gdida fi Triq Santa Venera, Santa Venera.

    (ii) Il-vettura numru EAH 504 giet milquta minn xarabank bin-numru EBY 564. L-ufficjal tal-pulizija li nvestiga l-kaz li meta mar fuq il-post sab ix-xarabank ipparkjata quddiem il-vettura numru EAH 504.

    (iii) Dakinhar li sehh l-incident ix-xarabank kien qieghed jinstaq mill-konvenut Manolito Magri.

    (iv) Fir-rapport li thejja mill-ufficjal tal-pulizija li nvestiga l-kaz (Dok. SB1) jinghad: ***"Vehicle EAH 504 Opel had yellow***

paint and it was established that said paint belonged to vehicle EBY 564 which was parked in front of car EAH 504. Blue paint of EAH 504 was seen on vehicle EBY 564…… The other driver of vehicle EBY 564 was found and is a certain Manolito Magri”. Fil-kors tax-xhieda li ta quddiem it-Tribunal huwa ddikjara wkoll li l-hsara fil-vettura u fix-xarabank kienu fl-istess livell u l-hsarat kienu kompatibbli ma’ xulxin.

2. Il-provi li tressqu mill-atturi juru bic-cjar li l-konvenut kien unikament responsabbli ghall-incident tat-traffiku meritu tal-kawza.

3. Dwar l-ammont ta’ danni li l-atturi qeghdin jitolbu, ma saret ebda kontestazzjoni u dawn jidhru gustifikati (ara fol. 9 – 11).

Ghaldaqstant, it-Tribunal qieghed jilqa’ t-talba ta’ l-atturi kif dedotta fl-avviz tat-talba u jikkundanna lill-konvenut ihallas lill-atturi s-somma ta’ tlett mija u sebgha u hamsin lira Maltija u sitt centezmi (Lm357.06) danni sofferti fl-incident tat-traffiku li sehh fit-18 ta’ April 2001 u ghal liema incident huwa unikament responsabbli l-konvenut.

Bl-ispejjez (inkluzi d-drittijiet legali) kontra l-konvenut.

Avukat Dr. Anthony Ellul
Gudikatur