FIT - TRIBUNAL GHAL TALBIET ZGHAR
SMALL CLAIMS TRIBUNAL

GUDIKATUR: DR PHILIP MANDUCA, LL.D.

SEDUTA TA' NHAR IL-ERBGHA 16 TA' SETTEMBRU, 2002

Avviz Nru: 515/01 PM

Is-Segretarju Permanenti Fil-Ministeru ta' l-Affarijiet Barranin

Vs.

Romina Busuttil

It-Tribunal

Ra l-avviz li fih l-attur talab il-hlas ta' Lm900 rappresentanti danni sofferti konsegwenza ta' incident stradali li gara fl-14 ta' Ottubru 2000 f'Attard bejn vettura KBC 202 misjuqa mill-konveunta u vettura AAO-931 misjuqa minn Daniel Mamo.

Ra d-dokumenti No. 11 Dok RT u No. 24 RT1 – RT2.

Ra s-seduta tas-6 ta' Frar 2002 li fiha xehed Roberto Tommassuolo fejn qal li kien presenti ftit wara li sehh l-incident u l-karozza tal-Ministeru kienet fin-nofs tat-triq. Jikkonferma li meta wasal on site l-karrozzi kienu kif murija fl-iskizz izda l-vleggeg li hemm fl-istess skizz huma kontra ta' dak li hemm fir-realta'. Jikkonferma ukoll li hadd ma ammetta t-tort u li l-Gvern hallas l-ammont totali.

Ra n-nota ppresentata mis-Segretarju Permanenti Ministeru ta' l-Affarijiet Barranin li biha esebixxia erba ritratti tal-karrozza AAO 931.

Ra l-Accident Report immarkat bhala Dok JA No.14.

Ra li skond l-istess Road Accident Report Daniel Mamo li kien qed isuq il-karozza tal-attur qal:

"…. that he was proceeding (in) Notary Zarb Street Attard towards Birkirkara and car KBC 202 emerged from a stop sign from Karm Debono Street and collided into him."

Il-konvenuta qalet:

"…that she was proceeding from Karm Debno Street into Notary Zarb Street, driver of Two 028 who was proceeding (in) Notary Zarb towards B'Kara, stopped the vehicle, and while car KBC202 tried to emerge from Karm Debono Street, driver of car AA0931 overtake stationed vehicle TWO028, with the consequences that he collided into car KBC202 while she was proceeding into Notary Zarb Street"

Ikkunsidra:

Illi f'din il-kawza l-konvenuta qieghda issostni li ma ghandhiex tort ghaliex hi harget minn Stop Sign wara

li karozza ohra waqfet sabiex tkun tista tghaddi hi. F'dak il-mument Mamo kien qed jaghmel manuvra ta' surpass tal-karozza wieqfa.

Illi l-attur ghamel riferenza ghal kawza Jason Montebello vs. Rita Muscat deciza mill-Qorti tal-Magistrati (Malta) fit-13 ta' Ottubru 2000. Illi f'dik il-kawza il-Qorti qalet:

"Il-konvenuta kienet obbligata li bil-manuvra taghha ma tfixkel b'edba mod il-"main road users" li kienu jinkludu lill-attur li kellhu kull dritt li jissorpassa lil vetturi quddiemu li jkunu qed jostakolaw is-sewqan regolari tieghu; ghalhekk il-konvenuta ma setghetx tassumi li kellha ssib it-triq, fuq il-lemin tal-Bus wieqfa, libera minn kull traffiku minghajr il-htiega ta' esplorazzjoni debita".

Illi dan it-Tribunal jaqbel li l-obbligu principali kienet fuq il-konvenuta li tesplora tajjeb il-main road. Anki

jekk hemm karozza wieqfa xorta l-konvenuta kellha l-obbligu li tara jekk tistax tohrog fuq il-main road minghajr ma tostakola t-traffiku fuq il-main road.

Illi ghar-rigward d-danni skond ix-xhud Roberto Tommassuolo dawn kienu fl-ammont ta' Lm324.30. Illi d-danni ma gewx kontestati u jidhru ragjonevoli.

Ghaldaqstant it-Tribunal jichad ir-risposta tal-konvenuta, jiddikjara li l-konvenuta kienet unikament risponsabbli ghal incident in kwistjoni u jordna li l-konvenuta thallas Lm324.30 lil attur bl-ispejjes u bl-imghax mid-data ta' din is-sentenza.

Philip Manduca

Gudikant