

Kopja Informali ta' Sentenza



MALTA

**TRIBUNAL GHAL TALBIET ZGHAR
MALTA**

**GUDIKATUR DR.
MANDUCA PHILIP**

Seduta ta' 03 ta' Ottubru, 2002

Talba Numru. 1816/2001/1

**John Cauchi
Vs
Michael Fellis**

It-Tribunal

Ra l-avviz li fih l-attur talab il-hlas ta' 1358.76 dovut ghal danni wara incident ta' traffiku.

Ra r-risposta tal-konvenut fis-sens li "t-talbiet attrici ghandhom jigu respinti stante illi l-incident stradali "de quo" sehh unikament tort ta' Mark Cauchi".

Ra d-dokumenti esebiti.

Ra l-atti tal-kawza.

Ra li b'nota tal-25 ta' Marzu 2002 t-talba attrici giet ridotta ghal ammont ta' Lm1117.27.

Semgha x-xhieda.

Ikkunsidra l-Pulizija li investiga l-incident kiteb fuq l-Road Accident Report kif gej:

L-attur qal: "He was proceeding along Msida Road towards Gzira on the right hand side of the road at a moderate speed, when suddenly car EAV401 which was on his left hand side, suddenly turned to the right across his path to go into Ugo Mifsud Street without indicating. He applied the brakes to avoid same, but the collision occurred with same".

Il-konvenut qal: "he was proceeding along Msida Road on the center of the Road. He looked to see if any traffic were on his side or behind him and on seeing no traffic, he turned to the right to proceed into Ugo Mifsud Street without indicating. He heard the sound of Brakes and car GIG777 dashed into his right rear part. He did not see this vehicle prior to the collision."

Fix-xhieda tieghu quddiem it-Tribunal l-konvenut qal li "Jiena naqqast l-ispeed, harist lejn il-mera biex nara jekk kienx hemm karożzi warajja. Rajt karożzi warajja pero kienu l-bogħod. Jiena ma ghamiltx sinjal, dort u kif dort qlajt id-daqqa fuq wara."

Mart il-konvenut qalet li qabel ma dar il-konvenut ma waqafx u li l-konvenut kien qed isuq fuq il-lemin tat-triq ferm qabel l-incident.

Ex ammissis l-konvenut ma xeghelx l-indicator qabel ma dar fuq il-lemin tieghu. Il-konvenut jammetti ukoll li ra karożzi warajh qabel ma dar izda qal li dawn kienu l-bogħod. Meta ddiskriva l-incident lil Pulizija l-konvenut qal li qabel l-incident kien qed isuq fin-nofs tat-triq u mhux fuq il-lemin kif qalet martu.

Illi l-konvenut huwa risponsabbli għal dan l-incident għaliex naqas li jixgħel l-indicator, naqas li jassikura ruhu li seta idur mingħajr ma jostakola l-karożzi u naqas li jikkalkola tajjeb d-distanza tal-karożzi warajh. Il-hsarat fiz-zewg karożzi juru li fil-fatt l-konvenut ma kienx fuq il-lemin nett tat-triq qabel ma dar. Regola kardinali ta' "lane

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discipline” hija dik li fil-passagg minn lane ghall-iehor is-sewwieq m'ghandux jikkaguna xi inkonvenjent jew periklu ghall-vetturi ohra.

L-ammont ta' danni ma giex kontestat u jinsab pruvat.

Ghaldaqstant t-Tribunal jichad l-eccezzjonijiet u jilqa t-talba attrici fl-ammont ta' Lm1117.27 bl-ispejjez u bl-imghax mid-data tan-notifika tal-avviz.

Philip Manduca
Gudikant

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