



MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tat-2 ta' Lulju, 2003

Talba Numru. 2108/2002

**SMS Insurance Agency Limited bhala
rappresentanti tas-socjeta' estera
Ecclesiastical Insurance Office Plc,
surrogata fid-drittijiet tal-assikurat
taghha Adrian Joseph Vella**

Vs

Ritienne Mangion

It-Tribunal

Ra l-Avviz li fih is-socjeta' attrici talbet il-hlas ta' Lm650.42c (sitt mija u hamsin lira Maltin u tnejn u erbghin centezmu) rappresentanti danni wara incident ta' traffiku kif imsemmi fl-Avviz.

Ra li l-konvenuta eccepjet ir-responsabbilta ghal dan l-incident ghandha "tigi akkolta nofs bin nofs bejn is-sewwieqa."

Kopja Informali ta' Sentenza

L-assikurat tas-socjeta' attrici nforma lil Pulizija kif gej:

“Driver stated that as he was proceeding along Aldo Moro Road towards Hamrun he notices that the other party surpassed the lane and hence he beeped his horn. Driver added that the other party lost control of her vehicle with the consequence that the collision occurred.”

Il-konvenuta qalet:

“She was driving along Aldo Moro Road, Marsa towards the direction of Hamrun, the other vehicle was being driven alongside surpassed the lane and the collision ensued”.

Sema' x-xhieda u ezamina d-dokumenti esebiti.

Meta xehed Adrian Joseph Vella li kien qed isuq il-karozza assikurata mad-ditta attrici, dan qal li l-karozza tal-konvenuta kienet fuq ix-xellug tieghu f'it quddiemu, din giet fuq il-lane tieghu; hu daqq il-horn, il-konvenuta “swervjat” u tilfet il-kontroll tal-karozza u laqtet il-karozza tieghu.

Mart Adrian Joseph Vella, Nadia Vella xehdet li l-konvenuta kienet fuq ix-xellug taghom u f'hin minnhom ir-ragel daqq il-horn u l-konvenuta tilfet il-kontroll tal-karozza tagha u dahlet go fihom.

Il-konvenuta qalet li giet milquta fuq ir-rota tan-naha tal-lemin u spiccat issuq fid-direzzjoni tal-Marsa Sports Club. Il-konvenuta qalet :

“ma jidirlix li qabel il-habta dhalt f'xi moment fir-raba lane. Jiena ma niftakarx li Adrian Joseph Vella dahal fil-lane tieghi”.

Ikkunsidra li filwaqt li Adrian Joseph Vella u martu Nadia Vella xehdu b'mod konvincenti dwar dak li gara, l-konvenuta ma kienetx certa. Filwaqt li Adrian Joseph Vella u Nadia Vella qalu li l-konvenuta giet fuq il-lane fejn kien qed isuq Adrian Joseph Vella, l-konvenuta qalet li ma tiftakarx li Adrian Joseph Vella dahlet fil-lane tagha.

Kopja Informali ta' Sentenza

Ghalhekk, jirrisulta li l-konvenuta bidlet il-lanes minghajr rat x'hemm fit-triq u b'risultat ta' hekk habtet mal-karozza assikurata mad-ditta attrici.

Ghaldaqstant, jichad ir-Risposta, jiddikjara li l-konvenuta kienet unikament responsabbli ghal incident u jikkundanna lil konvenuta sabiex thallas Lm650.42c (sitt mija u hamsin lira Maltin u tnejn u erbghin centezmu) lis-socjeta' attrici bl-ispejjez tal-kawza. Bl-imghax mid-data tan-notifika tal-ittra ufficjali datata 10 ta' Lulju 2002.

< Sentenza Finali >

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