MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tat-12 ta' Novembru, 2003

Talba Numru. 2312/2002

Atlas Insurance Agency Limited, bhala rappresentanti tas-socjeta' estera AXA Insurance Plc, surrogata fid-drittijiet tal-assikurat taghha Rachel Maurizio u l-istess Rachel Maurizio

Vs

Mary Wong

It-Tribunal

Ra l-Avviz li fih l-atturi talbu l-hlas ta' Lm383.35c (tlett mija u tlieta u tmenin lira Maltin u hamsa u tletin centezmu) bhala danni wara l-incident tat-traffiku msemmi fl-istess Avviz.

Ra r-Risposta fejn il-konvenuta qalet li ma kienetx responsabbli ghall- incident.

Ikkunsidra li wara l-incident il-Pulizija li nvestiga l-incident kiteb il-versjonijiet tal-partijiet kif gej:
L-attrici qalet: "I was driving down from St Andrews Road and car number AAA 985 came from the left side of the road and the collision occurred. At that moment I was going to the direction of Spinola whilst the other vehicle was going to The Gardens".

Il-konvenuta qalet: "I was driving in the same direction slowed down to allow a vehicle to pass and as soon as I drove car number JBD 573 collided onto my vehicle. I was going to the direction of The Gardens".

Rachel Maurizio l-attrici qalet fix-xhieda taghha:

"I was driving towards Spinola… I noticed the defendants car stationary on my left facing towards Paceville before the accident happened. Then all of a sudden I found her right in front of me."

Fix-xhieda taghha l-konvenuta qalet : "I was driving from the direction of St Andrews and wanted to go to The Gardens. I saw that there were no cars coming from Regional Road. First I put on my indicator to indicate that I wanted to turn towards the left….. Then I put my right indicator. Then I started to drive towards the road which leads to The Gardens. I had still the right indicator indicating my intention to go in that direction. As I was moving towards where I wanted to go I slowed down because there were cars coming from the opposite direction. I slowed down waited till at least two or three cars passed by. Then I started driving and at that moment plaintiff crashed into my car…prior to the collision I did not see Rachel Maurizio's car….I was facing the entrance to The Gardens when the accident occurred. ….I had no damages at the back of my car".
Illi mix-xhieda, mill-iskizz u mir-rapport tal-Pulizija jirrizulta li l-konvenuta riedet taqsam il-lane tat-traffiku biex tkompli fid-direzzjoni tal-Gardens. Illi l-konvenuta ghalhekk kellha l-obbligu li tara x'hemm warajha qabel ma tbiddel il-lane. Illi jirrizulta li l-konvenuta naqset li taghmel hekk ma ratx li kien hemm il-karozza tal-attrici fuq il-lemin taghha u

ghalhekk grat il-habta. Il-konvenuta kienet negligenti ghaliex naqset milli zzomm ‘a proper look out’ u naqset li tassikura li tista tbiddel id-direzzjoni taghha minghajr ostakolu ghal traffiku iehor. It-Tribunal jaghmel referenza ghas-sentenzi ‘Il-Pulizija Vs G. Sapiano deciza Qorti ta’ l-Appell Krminali XXIX .iv. 558 u Il-Pulizija Vs J. Bartolo – Qorti ta’ l-Appell Kriminali Vo. XXXVII .iv. 868 – is-sinjali li wiehed jaghti jridu jsiru fil-hin u fil-lok opportun biex ikollhom l-effett taghhom… il-fatt li wiehed jixghel l-indicator ma jaghtihx xi dritt li jaghmel li jrid – qabel ma tbiddel id-direzzjoni ghandek thares fil-mera sabiex tara hux gej traffiku minn warajk haga li l-konvenuta ma jirrizultax li ghamlet.

Ghaldaqstant il-konvenuta ghandha tigi ddikjarata unikament responsabbli ghall-incident in kwistjoni. Id-danni ma gewx kontestati u jidhru ragjonevoli.

Ghaldaqstant jichad ir-Risposta tal-konvenuta, jilqa’ t-talba attrici bl-imghax legali mid-data tan-notifika tal-ittra ufficjali kontra l-konvenuta.

< Sentenza Finali >

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