MALTA

QORTI ĊIVILI
PRIM' AWLA

ONOR. IMĦALLEF
JOSEPH AZZOPARDI

Seduta tal-15 ta' Diċembru, 2003

Rikors Numru. 918/2002

Rikors Nru: 918/02 JA.

Fl-atti tal-kawza Citaz Nru: 1118/88 JDC.

Joseph Felice Pace ghan-nom u in rapprezentanza ta' A.V. Bartoli & Sons (Insurance Services) Ltd. u din bhala agent tas-socjeta' assikuratrici estera Legal and General Assurance Society Ltd. u din kif surrogata fid-drittijiet tal-assikurat taghha Frank S. Portelli u b' nota a fol. 136 tal-process tat-23 ta' Jannar, 1992, David Warrington ghan-nom u in rapprezentanza tas-socjeta' Attard Insurance Services Limited assuma l-atti tal-kawza flok Joseph Felice Pace ghan-nom u in rapprezentanza tas-socjeta' estera Legal and General Assurance Society Ltd.

-vs-

Vivian S. Bianchi u Raphael I. Bianchi ghan-nom u in rapprezentanza tas-socjeta' The Mercantile, Shipping & Coaling Company, Bianchi & Co. (1916) Ltd., kemm bhala agent tas-socjeta' estera Deutsche Nah-Ost-Linien GmbH & Co Kg, kif wkoll ghal kull interess li jista' jkollha, Vivian S. Bianchi u Raphael I. Bianchi ghan-nom u in rapprezentanza ta' Bianchi Trading & Shipping Ltd., Vivian S. Bianchi u Raphael I. Bianchi ghan-nom u in rapprezentanza ta' Bianchi Enterprises Ltd, Raphael I. Bianchi managing director u Vivian S. Bianchi ghan-nom u in rapprezentanza ta' Bianchi & Sons Ltd., Vivian S. Bianchi u Raphael I. Bianchi ghan-nom u in rapprezentanza ta' Reefer & General (1964) Ltd., Vivian S. Bianchi u Raphael I. Bianchi ghan-nom u in rapprezentanza ta' Investments Ltd., Vivian S. Bianchi ghan-nom u in rapprezentanza tal-korp morali Bianchi Group of Companies, il-Kontrollur tad-Dwana, ilkoll ghal kull interess li jista' jkollhom u b' nota tat-2 ta' Jannar, 1989, Ralph I. Bianchi assuma l-atti tal-kawza minflok Vivian Bianchi ghan-nom u in rapprezentanza tal-Korp morali Bianchi Group of Companies.

Il-Qorti;

Rat ir-rikors tal-Kontrollur tad-Dwana pprezentat fit-8 t' Awissu, 2002 li permezz tieghu talab:

Illi din il-kawza fl-ismijiet premessi kienet deciza nhar it-28 ta' Frar, 1994, b' sentenza li kopja taghha hi annessa u markata Dok A, u minnha ma kienx hemm appell.

Illi din is-sentenza kienet favorevoli fil-konfront ta' l-esponent u akkordatlu l-ispejjez kontra l-attur, li ammontaw skon kif jidher fit-taxxa hawn annessa u markata Dok B.

Illi din is-sentenza ma kinitx esegwita fiz-zmien moghti mill-Ligi izda l-esponent ghad ghandu interess li jezercita dan id-dritt.

Ghaldaqstant l-esponent jitlob bir-rispett li din l-Onorabbli Qorti joghgobha tawtorizzah jesegwixxi din is-sentenza bl-ispejjez kontra l-attur, waqt li taghti dawk il-provediment li jidhrilha opportuni.

Rat illi r-rikors gie debitament notifikat lis-socjeta' intimata li naqset li tipprezenta risposta u hekk baqghet kontumaci.

Ezaminat l-atti tal-kawza.

Billi mill-provi mhux kontradetti, it-talbiet dedotti fir-rikors jirrizultaw pruvati.

Fil-kontumacja tas-socjeta' konvenuta tiddeciedi billi tilqa' t-talbiet tal-Kontrollur tad-Dwana kif dedotti fir-rikors bl-ispejjez kontra s-socjeta' intimata Allied Insurance Services Limited gia A.V. Bartoli & Sons (Insurance Services) Ltd.

Moqrija.

< Sentenza Finali >

--------------------------------TMIEM--------------------------------