MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tal-5 ta' Mejju, 2004

Talba Numru. 2156/2002

SMS Insurance Agency Limited bhala rapprezentanti tas-socjeta' estera Ecclesiastical Insurance Office Plc, surrogata fid-drittijiet tal-assigurat taghha Zammit Emmanuele

Vs

George Bezzina

It-Tribunal

Ra l-Avviz li fih is-socjeta' attrici talbet is-somma ta' Lm612.93c (sitt mija u tnax-il lira Maltin u tlieta u disghin centezmu) rapprezentanti danni f'incident tat-traffiku kif ahjar spjegat fl-Avviz.

Ra r-Risposta tal-konvenut fejn qal li ma kienx responsabbli ghall-incident.

Sema' x-xhieda u ra d-dokumenti esebiti.
Ikkunsidra

Li wara l-incident Adrian Zammit li kien qed isuq il-vettura assigurata mas-socjeta' attrici hekk iddiskriva l-incident lill-pulizija:

"that he was proceeding through Mosta Road, Lija on the outer lane next to Lija cemetery when on coming parallel with route bus EBY 619 his route was suddenly obstructed when the driver of the latter swerved to the right in order to turn into the gap provided for vehicles to turn again towards Birkirkara. Driver stated that applying brakes and hooting the horn proved to no avail. Subject continued to state that he did not notice any indicators or any forms of signs indicating the right turning."

Il-konvenut qal:

"that he was proceeding through Mosta Road, Lija when he activated the right hand side indicator in order to turn with the cemetery and proceed up to Naxxar. On starting to manouvre to enter the gap provided he heard the screeching of brakes from behind and stopped in order to avoid any accident. Apparently although the driver of vehicle JAE 228 applied the brakes his vehicle kept on skidding ending into the middle right hand side of the bus."

Meta xehed il-konvenut qal li malli wasal fejn ic-cimiterju qala' "tlett metri 'l barra". L-konvenut qal: "jiena kelli nigbed ftit fuq ix-xellug biex imbaghad indur fuq il-lemin." Il-konvenut ma qalx li hares warajh qabel ma beda l-manuvra biex idur fuq il-lemin tieghu. Ra l-vettura l-ohra biss mal-habta.
Illi l-konvenut huwa responsabbli ghall-incident billi qabel ma dar lejn il-lemin biddel id-direzzjoni u saq lejn ix-xellug. Huwa responsabbli wkoll ghaliex qabel ma beda jdur fuq il-lemin tieghu naqas li jaccerta ruhu li seta' jaghmel hekk minghajr ma jostakola t-traffiku. Mhux bizzejjed li l-konvenut jixghel l-indicator. Qabel ma dar fuq il-lemin kellu jara jekk kienx hemm traffiku fuq il-lemin tieghu.

(Ara Il-Pulizija Vs Bartolo Qorti ta’ l-Appell Kriminali Vol. XXXVIII. iv. 868 u Thomas Smith Insurance Agency Ltd Vs Mario Bugeja (Tribunal ghal Talbiet Zghar 7 ta’ Mejju 2002).

Id-danni gew ikkonfermati bil-gurament, ma gewx kontestati u jidhru ragunevoli.

Ghaldaqstant, jiddikjara li l-konvenut kien unikament responsabbli ghall-incident u jikkundanna lill-konvenut sabiex ihallas lis-socjeta’ attrici l-ammont ta’ Lm612.93c (sitt mija u tnax-il lira Maltin u tlieta u disghin centezmu) bl-imghax mit-8 ta’ Novembru 2002 u bl-ispejjez tal-kawza.

< Sentenza Finali >

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