MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tat-3 ta' Gunju, 2004

Numru 777/2003

Alfred u Margaret konjugi Grech

Vs

Kishin Mohnani

It-Tribunal

Ra l-Avviz li fih l-atturi talbu li l-konvenut ihallas Lm951.39c (disa' mija u wiehed u hamsin lira Maltin u disgha u tletin centezmu) rapprezentanti danni sofferti f'incident tat-trafiku kif ahjar deskritt fl-Avviz.

Ra r-Risposta fejn il-konvenut cahad li kellu tort f'dan l-incident.

Sema' x-xhieda, ra d-dokumenti u sema' t-trattazzjoni.

Ikkunsidra

Li l-konvenut qal li:

“He was driving along Triq Nazzjonali, Blata l-Bajda from Hamrun towards Valletta on the outer lane at a moderate speed. On arriving at the traffic lights situated opposite the Lite Shop….the traffic lights were green, so he continued driving. Then, on arriving corner with Triq Guze Preca the other vehicle which was being driven coming along from Valletta turning with the monument, emerged from said street, from his right side to cross to Triq Guze Preca with the consequence that it dashed into his front right side.”

Illi l-attrici qalet:

“She was driving along Triq Nazzjonali, Blata l-Bajda coming from Valletta, turning with the monument. On arriving near the traffic lights at that moment the lights were red, so she stopped her vehicle thereat and waited until these turned to green. When the traffic lights were green she started driving slowly and emerged to cross to Triq Guze Preca when all of a sudden the other vehicle which was being driven from the direction of Hamrun dashed into the front left side of her vehicle.”

Illi giet pprezentata Nota ta’ Riduzzjoni u ghalhekk it-talba attrici hi ghal Lm929.33c (disa’ mija u disgha u ghoxrin lira Maltin u tlieta u tletin centezmu).

Meta xehdet l-attrici qalet li qabel l-incident ma kienetx rat lill-konvenut.

Il-konvenut xehed li baqa’ ghaddej ghaliex il-*lights* kienu fuq l-ahdar. Mistoqsi jekk jaqbilx ma’ l-iskizz il-konvenut qal li jaqbel u qal li spicca ‘l boghod mill-habta ghaliex l-attrici “kaxkritu” ‘l hemm.

Illi f’din il-kawza il-partijiet taw verzjonijiet opposti ghar-rigward it-*traffic light*s. Illi certament wiehed ghandu dritt u jistenna li jibqa’ jsuq meta l-*lights* huma fuq l-ahdar.

Sewwieq dejjem ghandu l-obbligu li jara dak li hemm fit-triq anke jekk il-*lights* huma fuq l-ahdar.

Illi l-atturi sostnew li l-verzjoni taghhom hi izjed kredibbli ghaliex wara l-incident il-konvenut baqa' sejjer certu distanza. Sostnew ukoll li l-konvenut kien ghaddej bi speed qawwi.

Illi fil-fatt jirrizulta li m'hemmx bizzejjed provi biex it-Tribunal jikkonkludi li l-konvenut kien responsabbi ghall-incident.

F'kawzi civili l-attur li jallega li xi haga gratlu b'tort tal-konvenut irid jipprova huwa a sodisfazzjoni tal-Qorti li l-konvenut kellu tort. Jekk l-attur ma jgibx dina l-prova l-azzjoni tieghu ma jistax ikollha ezitu favorevoli, anke jekk il-konvenut ma jipprovax – ghaliex legalment mhux obbligat li jipprova – li l-incident ikun gara tort ta' l-attur. Dan mhux ghaliex it-tort ghall-incident ikun ta' l-attur imma semplicement ghaliex ma jkunx irnexxielu jipprova li allega bhala bazi ta' l-azzjoni tieghu (Mallia noe Vs Anastasi PA 3/10/1996).

Ghaldaqstant jichad it-talba attrici bl-ispejjez kontra l-atturi.

< Sentenza Finali >

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