MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tal-15 ta' Novembru, 2004

Talba Numru. 2475/2003

**Elmo Insurance Agency Limited, bhala rappresentanti tas-socjeta' estera Royal & Sun Alliance Insurance plc,
surrogata fid-drittijiet tal-assikurat taghha Robert Caligari u l-istess Robert Caligari u b'nota tas-6 ta' Mejju, 2004 Elmo Insurance Limited assumiet l-atti minflok Elmo Insurance Agency Limited**

Vs

Katia Gravino

It-Tribunal

Ra l-Avviz fejn l-atturi talbu ghar-risarciment tas-somma komplessiva ta' Lm1,348.05c (elf tlett mija u tmienja w erbghin lira Maltin u hames centezmi):

Lm1,323.05c (elf tlett mija u tlieta u ghoxrin lira Maltin u hames centezmi) lis-socjeta' attrici u Lm25 (hamsa u

ghoxrin lira Maltin) lill-attur rapprezentanti danni konsegwenza ta’ incident stradali ghal liema ncident il-konvenuta kienet unikament responsabbli.

Ra r-Risposta fejn il-konvenuta eccepiet illi l-pretensjonijiet attrici ghandhom jigu michuda bl-ispejjez, stante illi l-incident sehh unikament b’tort ta’ l-attur.

Sema’ x-xhieda ta’ Robert Caligari fejn qal li kien qed isuq fid-direzzjoni ta’ Pembroke, kellu diversi karozzi quddiemu. Wahda minn dawn xeghlet l-indicator tax-xellug biex iddur lejn Triq id-Dris. Meta xeghlet l-indicator din il-vettura kienet fuq ix-xellug tieghu. Hu kompla jsuq u kif appena dik il-vettura daret fuq ix-xellug sabet vettura li harget minn Triq id-Dris fid-direzzjoni ta’ San Giljan, ghalhekk ilwiet lejn il-lemin u ghalqet it-triq ta’ Caligari. Caligari pprova jigbed fuq il-lemin izda saret il-habta. Il-hsara ta’ Caligari kienet fuq quddiem fuq in-naha tal-front seat passenger.

Fil-kontro-ezami Caligari qal li kien fuq l-outer lane qabel il-habta u f’daqqa wahda sab il-vettura tal-konvenuta quddiemu. L-attur cahad li ghamel manuvra ta’ surpass. Caligari qal li gie fil-pozizzjoni li jidher fl-iskizz b’rizultat tal-habta.

Skond ir-rapport tal-pulizija, ezatt wara l-incident l-attur hekk iddiskriva l-habta:

“While he was driving from St. Julian’s in St. Andrew’s Road towards Pembroke he had in front of him another vehicle making an indication to turn towards Triq id-Dris, Swieqi. As soon as he turned and he kept driving towards Pembroke he found another vehicle which was turning towards St. Julian’s and the collision occurred.”

Il-konvenuta naqset li tixhed f’din il-kawza. Illi skond ir-rapport tal-pulizija hekk iddiskreviet il-habta:

“While she was approaching St. Andrew’s coming from Triq id-Dris, Swieqi she saw a vehicle coming from St. Julian’s towards Pembroke making an indicator to enter to

Triq id-Dris, Swieqi. As soon as she saw the vehicle turning towards her she drove into St. Andrew's Road towards St. Julian's and at that time she found the other vehicle into her vehicle."

Illi m'hemmx dubju li l-konvenuta kellha l-obbligu li tassigura li setghet tohrog fuq il-main road minghajr ma tikkaguna hsara. Il-konvenuta kellha tivverifika jekk kienx hemm karozzi fil-main road u mhux tohrog ghaliex kien hemm karozza li kienet se tidhol fit-triq minfejn kienet hierga hi. Il-konvenuta kellha Stop Sign u kellha l-obbligu li tieqaf u tezamina tajjeb il-main road. Jirrizulta li naqset li tara l-vettura ta' l-attur li kien fuq il-main road u harget minghajr l-attenzjoni rikjesta.

Illi ghalhekk il-konvenuta kienet unikament responsabbli ghall-incident in kwistjoni.

Illi gew esebiti d-dokumenti necessarji in konnessjoni mad-danni u ghalhekk it-tieni eccezzjoni huwa wkoll michud.

Ghaldaqstant, jikkundanna lill-konvenuta biex thallas lill-atturi s-somma ta' Lm1,348.05c (elf tlett mija u tmienja w erbghin lira Maltin u hames centezmi) bl-ispejjez kif rikjesti fl-Avviz u bl-imghax legali mid-data tan-notifika ta' l-Avviz (24 ta' Dicembru, 2003) sad-data tal-pagament effettiv.

< Sentenza Finali >

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