



MALTA

**QORTI CIVILI
PRIM' AWLA**

**ONOR. IMHALLEF
GIANNINO CARUANA DEMAJO**

Seduta tas-7 ta' Dicembru, 2004

Rikors Numru. 3372/2001/1

Bruno Romano`

Versus

Pietro Blasina and his wife Luisa Ernestina Pedroni Blasina, Blaschem (Malta) Limited and by a decree of the 18th January, 2002, Pietro Blasina was appointed deputy curator to represent the company SCI TOWER '98 while Dr. Victor Scerri and L.P. Victor Bugeja were appointed deputy curators to represent the foreign companies Ellepibi Srl, SCI Timon, SCI Venticinque, SCI Ventisei

The Court,

1. On the matter of respondents' preliminary plea based on Article 836(1) Chapter 12:

The court, having seen that Article 836 provides that the relative application is to be filed before the court which issued the precautionary act or which is hearing the case on the merits, and having seen that both the application and the case on the merits are pending before the same court, namely the First Hall of the Civil Court, concludes that the application was correctly filed before this court, and therefore rejects the plea.

2. On the merits of the application:

The court, having considered that the precautionary act can potentially have a negative impact on the profitability of the business of applicant company, and after taking into account the fact that applicant company holds assets of the respondent in the form of a shareholder's loan which can, in part, be set off against any eventual damages, establishes the additional sum of twenty thousand Maltese Liri (Lm20,000) by way of security in terms of Article 838A Chapter 12 for the purposes of keeping the precautionary act in force for one (1) year from today.

Respondent is within one (1) month from today either to deposit the said sum in the Registry of this Court or to secure the payment thereof by means of a guarantee issued by a local bank. In default, the warrant will be revoked.

The court reserves to reconsider this case after one (1) year from today. Costs will be regulated according to the judgement on the merits.

< Sentenza Finali >

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