MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tas-17 ta' Frar, 2005

Talba Numru. 2118/2003

Jonathan Bilocca

Vs

David Cuschieri

It-Tribunal

Ra l-Avviz li fih l-attur talab il-hlas ta' Lm556.30c (hames mija u sitta u hamsin lira Maltin u tletin centezmu) rapprezentanti danni f'incident awtomobilistiku ghal liema ncident il-konvenut kien unikament responsabbli minhabba mprudenza, mperizja, negligenza w inosservanza tar-regolamenti.

Ra l-Kontro-Talba li giet ikkontestata.

Ra d-dokumenti esebiti.

Ra r-*Road Accident Report* fejn il-konvenut qal:

“He was proceeding through Triq Sidtna tal-Angli and when he arrived at the corner with Main Street, he stopped on the stop sign and he looked to the left and saw that no vehicle was coming but when he proceeded vehicle no. CBI 225 came from his left and collided into him. When he was hit he turned and the right front part of his vehicle hit a wall.”

L-attur Jonathan Bilocca qal:

“He was proceeding through Main Street and vehicle no. KIN 400 emerged out of Triq Sidtna tal-Angli without stopping on the stop sign. Bilocca stated that he applied the brakes but to no avail and he collided into vehicle no. KIN 400.”

Ra x-xhieda ta’ l-attur fejn jikkonferma li qal fir-*Road Accident Report* u jaqbel ma’ l-iskizz. Jghid li hu kien ghaddej bi speed ta’ bejn tletin u hamsa u tletin kmh minhabba li qabel ma grat il-habta kien hemm *sleeping police* fil-*main road*. Jghid ukoll illi l-vettura tal-konvenut ma spiccatx kif muri fl-iskizz, izda spiccat ghal kollox mal-hajt.

Ra x-xhieda ta’ Joseph Bilocca, prodott mill-attur, fejn jghid illi kien mar *on site* wara l-incident u jikkonferma li l-vettura tal-konvenut kienet aktar dritta mal-hajt. Jikkonferma wkoll illi hemm *sleeping police* fil-*main road* minfejn kien gej l-attur.

Joseph Bilocca jghid illi l-vizwali tal-persuna li tkun hierga mit-triq laterali mhux ostakolat.

Ra x-xhieda ta’ PS 585 Joseph Bayliss fejn jikkonferma r-*Road Accident Report* u l-iskizz. Ma jidhirlux illi kien hemm *sleeping police* fil-*main road*. Jghid ukoll illi ma setax jistabbilixxi l-i*spot of impact*.

Ra x-xhieda tal-konvenut fejn jikkonferma li qal fir-*Road Accident Report*. Jghid ukoll illi qabel ma hareg minn Triq Sidtna tal-Angli kien hemm zewg karozzi pparkjati fuq ix-

xellug tieghu u ghalhekk hareg ftit ‘il barra sabiex ikun cert li ma kien gej hadd. Hekk kif hareg fil-*main road* sema’ *brake* warajh u grat il-habta.

M’hemmx dubju li l-attur kien fuq *the major road*.

Il-konvenut kellu l-obbligu li jieqaf u qabel ma johrog fuq Main Street, Zebbug jara jekk hemmx vetturi fil-*main road*. Jirrizulta li l-konvenut kien responsabbli ghall-incident u dan billi kellu l-obbligu li jaghti precedenza ghat-traffiku li kien fuq il-*major road.* Kellu l-obbligu li jara dawk il-vetturi fuq il-*major road* u johrog biss meta seta’ jaghmel hekk minghajr ma jostakola vetturi ohra. (Ara **Attard Vs Zammit PA 16/4/1993, Bianchi Vs Patinott PA 18/5/1995** u **Fogg Vs Vella (Appell 2131/95)**).

Illi d-danni mhux ikkontestati u jidhru ragunevoli.

Illi ghalhekk it-Tribunal jichad ir-Risposta u l-Kontro-Talba u jiddikjara li l-konvenut kien unikament responsabbli ghall-incident u jikkundannah ihallas Lm556.30c (hames mija u sitta u hamsin lira Maltin u tletin centezmu) bl-imghax mid-data tan-notifika ta’ l-Avviz (20 ta’ Novembru, 2003) u bl-ispejjez.

< Sentenza Finali >

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