MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PETER BORG COSTANZI**

Seduta tat-18 ta' Marzu, 2005

Talba Numru. 1005/2004

Blokrete Limited (C-263)

Vs

Nazzareno Chircop

It-Tribunal

Ra l-Avviz li permezz tieghu s-socjeta' attrici talbet li l-konvenut jigi kkundannat ihallas is-somma ta' tlett mija u ghaxar liri Maltin u hamsa u disghin centezmu (Lm310.95c) rapprezentanti hsarat sofferti fil-karozza taghha misjuqa minn Silvio Leone Ganado bin-numru ta' registrazzjoni HAS 484 f'kollizjoni li sehhet fit-12 ta' Novembru, 2003 fi Triq Mosta, Lija mal-vettura EAU 887 misjuqa mill-konvenut.

Ra r-Risposta tal-konvenut li biha eccepixxa li l-kollizjoni in kwistjoni ma sehhitx tort tieghu.

Sema’ x-xhieda ta’ PS 38 Paul Zahra, Joseph Muscat, Dr Joseph Fenech, Nazzareno Chircop u Anthony Cassar.

Ra d-dokumenti esebiti fl-atti.

Sema’ t-trattazzjoni ta’ Dr Gabriella Vella ghas-socjeta’ attrici u Dr Antonio Tufigno ghall-konvenut.

Ikkunsidra

Illi mill-provi prodotti jirrizulta li z-zewg vetturi kienu t-tnejn miexjin f’Mosta Road, Lija t-tnejn sejrin mid-direzzjoni ta’ Birkirkara lejn il-Mosta.

Jirrizulta wkoll illi l-vettura misjuqa minn Leone Ganado cjoe’ l-vettura appartenenti lil Blokrete Limited kienet ftit aktar lura u lejn il-genb tal-vettura EAU 887 misjuqa mill-konvenut.

Jirrizulta wkoll mill-verzjoni ta’ kif sehh l-incident li ta l-istess konvenut lis-Surgent a tempo vergine li huwa qasam lejn il-lemin biex imur lejn in-Naxxar u b’hekk qasam il-karreggjata tas-sewwieq tal-karozza tas-socjeta’ attrici u b’hekk sehh l-incident. Iz-zewg vetturi missew lil xulxin bejn quddiem fuq in-naha tax-xellug tal-vettura ta’ l-attur u wara fuq in-naha tal-lemin tal-vettura tal-konvenut. Qabel m’ghamel din il-manuvra huwa m’ghamilx sinjali biex jindika l-intenzjonijiet tieghu.

It-Tribunal jidhirlu illi l-kawza prossima tal-kollizjoni in kwistjoni hija proprju l-mod kif saq il-konvenut billi minghajr pre-avviz qabad u qasam il-karreggjata tal-vettura misjuqa minn Leone Ganado. Il-konvenut kien obbligat li qabel ma jaghmel tali manuvra jaccerta ruhu li jista’ jespleta tali manuvra minghajr ebda xkiel ghat-traffiku l-iehor fit-triq. F’dan ir-rigward tajjeb li ssir referenza ghall-Highway Code:

“197. Before changing direction to the left, keep as much as possible to the left-hand kerb well in advance of the turning. If you wish to turn to the right, steer your vehicle as much as it is prudently possible to the centre of the

road without, however, encroaching on the other half of the road. Do not swing out to the right before turning left, or vice versa.
198. In roads having more than one lane on each side, never switch abruptly to the right if you are on the left-hand lane, nor abruptly to the left if you are proceeding along the right-hand lane.
199. Before changing direction either to the left or right, you must invariably signal your intention to turn well in advance and make sure that it is safe to do so by looking in your mirror. Make sure that your direction indicator gives the signal intended and that it is cancelled immediately after use."

Huwa evidenti li l-konvenut ma ta l-ebda pre-avviz ghall-intenzjonijiet tieghu. Inoltre, lanqas ma zamm mal-lane ta' barra.

Ghaldaqstant it-Tribunal minghajr ezitazzjoni jikkonkludi illi r-responsabbilta' unika tal-kollizjoni hija tas-sewqan imprudenti tal-konvenut.

Ghar-rigward tal-quantum tad-danni gie verbalizzat li dawn mhux qieghdin jigu kkontestati.

Ghal dawn il-motivi t-Tribunal jaqta' u jiddeciedi billi jiddikjara lill-konvenut unikament responsabbli ghall-kollizjoni in kwistjoni u jikkundanna lill-konvenut ihallas lis-socjeta' attrici s-somma ta' tlett mija u ghaxar liri Maltin u hamsa u disghin centezmu (Lm310.95c) bl-ispejjez u bl-interessi kif mitluba.

< Sentenza Finali >

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