MALTA

# TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.**
**PHILIP MANDUCA**

Seduta tas-7 ta' Lulju, 2005

Talba Numru. 375/2003

**GasanMamo Insurance Agency Limited u din ghan-nom u in rappresentanza tas-socjeta' estera CGU Insurance plc hekk kif surrogata fid-drittijiet tal-assikurat taghha Ronald Burgess sija bil-polza u sija bil-ligi u l-istess Ronald Burgess u b'Nota pprezentata fis-26 ta' Mejju, 2004 is-socjeta' GasanMamo Insurance Limited assumiet l-atti tal-kawza minflok is-socjeta' GasanMamo Insurance Agency Limited**

**Vs**

**Michael Balzan**

**It-Tribunal**

Ra l-Avviz li fih l-atturi talbu l-hlas ta’ mitejn u tmienja u hamsin lira Maltin u hamsa u sebghin centezmu (Lm258.75c) rapprezentanti danni f’incident tat-traffiku kif ahjar spjegat fl-Avviz.
Ra r-Risposta tal-konvenut li biha eccepixxa li mhux responsabbli ghall-incident.

Sema’ x-xhieda u ra d-dokumenti esebiti.

Skond ir-Rapport tal-pulizija l-attur qal:

“He was driving along when all of a sudden car number BBH 093 came from the rear and swerved on his vehicle.”

Skond l-istess Rapport il-konvenut qal:

“He was proceeding along when all of a sudden he overtook a vehicle and car number RON 199 swerved into his vehicle.”

Meta xehed l-attur ikkonferma li l-konvenut ghamel manuvra ta’ surpass imbaghad gibed ghal fuqu. Wara l-incident il-konvenut qal li kien qieghed jipprova jerga’ jidhol fil-*lane* ghaliex kienet gejja karozza min-naha opposta.

Meta xehed il-konvenut qal li kien hemm bizzejjed wisa’ biex jaghmel manuvra ta’ surpass. Il-konvenut qal li kif ghamel il-manuvra ta’ surpass l-attur habat go fih.

Illi kienu l-atturi li riedu jgibu l-provi li l-konvenut kien responsabbli ghall-incident. Il-verzjonijiet tal-partijiet jikkontradixxu lil xulxin. M’hemmx bizzejjed provi sabiex dan it-Tribunal jiddikjara li l-konvenut kien responsabbli ghall-incident in kwistjoni.

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

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