MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tat-13 ta' Lulju, 2005

Talba Numru. 1173/2003

Lloyds (Malta) Limited bhala rapprezentanti ex lege ghan-nom tal-membri ta' Lloyds li jifformaw is-syndicates bin-numri JAT1245, KLN0510, SDM0807, SAM0727, ATR0570 u SIM0994 u Rausi Insurance Agency Limited u Adam Triganza

Vs

Isabella Chircop u b'digriet tat-Tribunal tal-31 ta' Lulju, 2003 giet ordnata l-kjamata in kawza ta' Fogg Insurance Agencies Limited ghan-nom u in rapprezentanza tas-socjeta' estera Norwich Union International Insurance Limited

It-Tribunal

Ra l-Avviz li fih l-atturi talbu l-hlas ta' sitt mija u hamsa u tmenin lira Maltin (Lm685) rapprezentanti danni f'incident tat-traffiku kif ahjar spjegat fl-Avviz.
Ra r-Risposta tal-konvenuta li biha eccepiet li l-incident gara tort ta' Adam Triganza.

Skond ir-Rapport tal-pulizija l-vettura ta' Triganza kienet ipparkjata filwaqt li l-konvenuta:

"Lost control of vehicle and collided into the other vehicle which was parked."

Skond l-istess Rapport gie ddikjarat li:

"Driver of vehicle was found driving under the influence of alcohol. Breath alcohol test proved positive and driver is being charged accordingly."

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

Meta xehdet il-konvenuta qalet li hadet *double vodka* qabel l-incident. Il-konvenuta qalet li wara l-incident il-boyfriend taghha gabilha flixkun ta' l-ilma li kien fih il-whiskey u l-ilma.

Fil-kontro-ezami l-konvenuta qalet li ma tiftakarx sew ezatt kemm hadet *alcohol* qabel l-incident. Fil-*Claim Form* kienet kitbet li hadet "three to four vodka".

Illi m'hemmx dubju li l-konvenuta kienet responsabbli ghall-incident. Illi mill-provi jirrizulta wkoll li qabel l-incident kienet hadet kwantita' t'*alcohol*.
Ghaldaqstant jilqa' t-talbiet attrici u jikkundanna lill-konvenuta sabiex thallas lill-atturi s-somma ta' sitt mija u hamsa u tmenin lira Maltin (Lm685) bl-ispejjez u bl-imghax mid-data ta' din is-sentenza.

< Sentenza Finali >

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