MALTA

TRIBUNAL GHAL TALBIET ZGHAR

**GUDIKATUR DR.
PHILIP MANDUCA**

Seduta tal-15 ta' Gunju, 2006

Talba Numru. 327/2005

Fisel Mohammed Elsatif u Tiziana Azzopardi

Vs.

Adrian Attard u b'digriet tal-20 ta' Gunju 2005 gie msejjah fil-kawza Alfred Magro.

It-Tribunal

Ra l-avviz li fih l-atturi talbu li l-konvenut jigi kkundannat ihallas Lm500 rappresentanti danni kagjonati f'incident ta' traffiku kif ahjar spjegat fl-avviz.

Ra r-risposta tal-konvenut fejn qal li mhux risponsabbli ghal incident. Il-konvenut qal ukoll li l-attur jrid ippresenta provi tad-danni.

Ra li gie kjamat fil-kawza Alfred Magro.

Ra li Alfred Magro gie notifikat bl-affissjoni izda naqas li jippresenta risposta.

Ra li gie ppresentat kapitolu fil-konfront ta' Alfred Magro.

Sema x-xhieda u ra d-dokumenti esebiti.

Ra r-rapport tal-Pulizija li fih l-attur qal: "he.. was proceeding from Naxxar towards Bumarrad and car no. KAQ627 which was coming opposite dashed into car no. CAH392 and dashed into his. He also stated that the driver of car CAH392 was going to turn to his right."

Illi skond l-istess rapport il-konvenut qal:

"whilst he was proceeding towards Naxxar in Triq l-Imdawra a car no. CAH392 which was parked on the left side of the road all of a sudden truned to his right and to avoid it dashed into it and dashed into Car no. AGJ416 which was coming opposite."

Illi skond l-istess rapport il-kjamat fil-kawza Alfred Magro qal:

"he stated that whilst he was stationary on the side of the road car no. KAG627 which was coming from behind towards Naxxar dashed into his side and dashed into other car which was coming opposite no. ABJ416."

L-attur xehed li l-incident gara meta hu kien qed isuq fid-direzzjoni ta' Bumarrad u giet il-vettura tal-konvenut mid-direzzjoni opposta, ghamlet surpass ta' vettura fuq ix-xellug taghha u habtet go fih. Illi l-attur iddikjara li l-premium tal-insurance giet kalkolata fuq valur ta' Lm500 u li l-istess vettura giet ddikjarata "beyond economical repair".

Alfred Magro xehed li kien pparkjat u li giet karozza li habtet to karozza gejja mid-direzzjoni opposta u imbaghad habtet go fih. Magro qal li l-habta kienet l-ewwel bejn iz-zewg vetturi ohra u imbaghad go fih. Il-karozza tal-attur kienet fuq in-naha taghha tat-triq u ma kienitx gejja b'speed qawwi.

L-attur qal li kien se jesebixxi dokumenti dwar il-valur tal-vettura mixtrija. Illi dan id-dokument qatt ma gie esebit.

Illi l-konvenut naqas li jixhed.

Illi l-versjoni tal-attur dwar kif gara l-habta huwa kredibli u konsistenti u konfermat ukoll mir-rapport tal-Pulizija u l-iskizz. Illi ma giex pruvat li l-kjamat fil-kawza kien risponsabbli ghal incident.

Illi dwar id-danni l-attur naqas jippresenta provi dokumentarji izda jirrisulta mir-rapport tal-Pulizija li d-danni fil-vettura tieghu kienu “extensive”. Illi anki jekk il-valur ghal insurance kien Lm500 u l-vettura giet dddikjarata “beyond economical repair” dan ma ifissirx li bhala fatt fil-mument tal-habta l-vettura kellha valur ta’ Lm500 u dan ma jiehux n-konsiderazzjoni l-“wreck value”.

Ghaldaqstant jiddikjara li l-konvenut Adrian Attard kien unikament risponsabbli ghal incident. Illi fid-dawl tal-provi dan it-Tribunal se jillikwida d-danni sofferti mill-attur fl-ammont ta’ Lm450 u jikkundanna lil konvenut Adrian Attard sabiex ihallas Lm450 lil attur bl-ispejjes u bl-imghax mill-10 ta’ Gunju 2005.

< Sentenza Finali >

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