



QORTI TA' L-APPELL

**S.T.O. PRIM IMHALLEF
SILVIO CAMILLERI**

**ONOR. IMHALLEF
GEOFFREY VALENZIA**

**ONOR. IMHALLEF
GIANNINO CARUANA DEMAJO**

Seduta tas-6 ta' Gunju, 2011

Appell Civili Numru. 10/2008/2

Helen Milligan

v.

Anthony sive Tony Xuereb

The Court:

Having seen Anthony Xuereb's application dated 23rd February 2011 (fol. 91) and the minute entered in the record of the proceedings by Dr. Justyne Caruana on behalf of the same appellant Anthony Xuereb during the sitting of this Court dated 2nd May 2011 as well as the Note filed by same on 18th April 2011 (fol. 94).

Having seen Article 734 (1)(d)(i)(ii) of Chapter 12 of the Laws of Malta;

Finds that the demand is justified in respect of Chief Justice Silvio Camilleri but not in the case of Mr. Justice Geoffrey Valenzia, since the Chief Justice in his previous position as Attorney General had given advice on an issue connected with this case whereas in the case of Mr. Justice Geoffrey Valenzia this case had never come before him as a Judge and the Constitutional Case to which the applicant refers had nothing to do with the merits of the present case.

For the above reasons, the Chief Justice abstains from further taking cognizance of this case whereas the challenge of Mr. Justice Geoffrey Valenzia is being rejected and the Court therefore puts off the case for 11th July 2011 for the necessary subrogation of the Chief Justice as a consequence of this decision.

< Sentenza In Parte >

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