Dok 'B'

**Qorti Tal-Magistrati**
**(Ghawdex) Gurisdizzjoni Superjuri.**

Citazzjoni Nru. 135/1999/1

Galea Maria et

Vs

Mizzi Angelo et

Relazzjoni tal-Perit Tekniku Joseph Mizzi A.& C.E..

Jesponi bir-rispett :
Illi fis-27 ta` Settembru 2002, l-esponent gie nominat mill-Qorti f'din il-kawza.
Fuq dan l-inkarigu l-esponent zamm :
1] Seduta fil-bini tal-Qorti fil-4 ta`Novembru 2011 li ghaliha kienu prezenti l-konvenuti li kienu assistiti minn Dr. Anton Refalo u Dr. Mario Scerri li deher ghall-attrici.
2] Seduta fil-bini tal-Qorti fil-24 ta` Frar 2112 li ghaliha kienu prezenti Dr. Mario Scerri ghall-attrici u l-konvenuti li kienu assistiti minn Dr.Anton Refalo.

Lista tal-proprjetajjiet kollha li kienet tipposjedi Giuseppa Mizzi .
l-attrici Maria Galea bil-gurament tikkonferma :
Illi fil-31 ta` Mejju 1996, mietet fil-Qala , Ghawdex, Giuseppa armla ta` Francesco Mizzi, omm l-attrici u l-konvenuti l-ohra.
Omm l-attrici, Giuseppa Mizzi kienet tipposjedi diversi bicciet raba u proprjeta` ohra immobiljari kif jirrizulta minn kopja tal-kuntratt ta` transferiment *causa mortis* li sar fl-atti tan-nutar Mariosa Grech tad-29 ta` Novembru 1996.
Illi fl-atti tan-nutar Mariosa Grech , Giuseppa Mizzi kienet tipposjedi s-sigwenti beni mmobbli :

1) Bicca raba maghrufa bhala "Tal-Munxar" fil-limiti tal-Munxar, ghawdex, tal-kejl ta` cirka 183 m.k. u li tmiss mit-tramontana ma`

triq San Pawl ,Lvant ma` beni ta` Joseph Buttigieg u nofsinhar ma` beni ta` Pawlu Debrincat, u kif ahjar murija fuq il-pjanta hawn annessa u mmarkata Dok.A.

2) Bicca raba maghrufa bhala "Ta` Fejn taz-Zambla" sive tal-Ktajjen sive " It- Taksis" fil-limiti tal-Munxar, Ghawdex, tal-kejl ta` cirka 883 m.k. u tmiss mill-Lvant u mit-tramontana ma` passagg u minn nofsinhar in parti ma` Francesco Agius u in parti ma` Lorenzo Attard, soggetta ghar-rata ta`20 c fis-sena u kif ahjar deskritta permezz ta` pjanta hawn annessa u mmarkata Dok.B

. 3) Bicca raba maghrufa bhala "Is-Sanap" fil-kontrada tax-Xlendi fil-limiti tal- Munxar, Ghawdex tal-kejl cirka 747 m.k.u tmiss mill-irjihat kollha ma` beni ta` maria Buttigieg u kif murija ahjar fuq pjanta hawn annessa u mmarkata Dok. C.

4)Bicca raba maghrufa bhala "Ta` Latniga " fil-limiti tal- Munxar Ghawdex tal-kejl 180 m.k. u lit miss mill- Punent ma` ma` beni ta` Giuseppe Spiteri , tramontana ma` beni ta` Antonio Tabone u nofsinhar ma` beni ta` Francesco Scicluna, kif murija fuq il-pjanta hawn annessa u mmarkata Dok. D

5)Bicca raba maghrufa bhala " Tal-Ktajjen" sive tal- Hofra fil-limiti tal-Munxar Ghawdex , tal-kejl ta`cirka 1000 m.k. u tmiss mill- Lvant u Tramontana ma` passagg u minn Nofsinhar in parti ma`beni ta` Francesco Agius u in parti ma`beni ta` Lorenzo Attard, u kif murija in parti ma` beni ta` Lorenzo Agius u in parti ma` beni ta` Lorenzo Attard, u kif murija fuq il-pjanta hawn annessa u mmarkata Dok.E.

6)Kwart (1/4) indiviz minn bicca raba maghrufa bhala " Ta` Grunju" sive "Tat-Trent" fil-limiti tan- Nadur, Ghawdex, l-intier tal-kejl cirka 938 m.k. u tmiss minn nofsinhar ma` triq l-isqof D. C. Palmieri, mill-Lvant ma` beni ta` l-eredi Salvu Mizzi u mill-Punent ma` beni ta` Dr. Sammy Galea u kif ahjar murija fuq il-pjanta hawn annessa u mmarkata DOK F.

7)Nofs (1/2) indiviz minn bicca raba` maghrufa bhala "Is-Sieqja" fil-limiti tal-Qala Ghawdex, tal-kejl ta` cirka 1157 m.k. u tmiss mill-punent ma` beni tal-eredi ta` Salvu Mizzi, nofsinhar ma` beni ta` Joseph Farrugia u tramontana ma` beni tal-familja Cremona, u kif ahjar murija fuq il-pjanta hawn annessa u mmarkata Dok. G.

Wara l-verbal tal-Qorti datat 17/2/2012, l-esponent zamm seduta ohra fil-bini tal-Qorti fil-24 ta` Frar 2012, il-konvenuti prezentaw nota Dok. AM li biha jiddikjaraw illi l-proprjeta` oggett ta` din il-kawza huma dawk diga elenkati fil-paragrafi precedenti minn 1 sa 7, kif ukoll iz-zewg kuntratti esebiti wiehed tal-11 ta` April 1931 u l-iehor tal-24 ta` Settembru 1951 li minnhom jirrizulta li Giuseppa Mizzi matul iz-zwieg taghha ma` Francesco Mizzi xtrat zewg porzjonijiet raba wahda

ta` **Wied Biljun** u l-ohra **Ta` Klin** u ghalhekk nofs indiviz taghhom jippartieni lilha.
Rigward il-kuntratt li sar fil-11 t`April 1931,l-esponent jixtieq jirreleva li meta sar dan il-kuntratt, il-geneturi tal-kontendenti ma kienux ghadhom mizzewga u ghalhekk il-proprjeta` msemmija f`dan il-kuntratt, ir-raba ta` Wied Biljun fil-Qala Ghawdex jappartieni lill-missier il-kontendeti biss, Francesco Mizzi u li ghalhekk mhux mertu ta` din il-kawza.
Rigward ir-raba` ta`Klin msemmi fil-kuntratt tan-nutar Giuseppe Gatt tal-24 ta`Settembru 1951, Dr. Mario Scerri ddikjara li l-attrici Maria Galea mhix interessata mis-sehem li ghandha jew jista` jkollha minn din il-proprjeta`

Fis-seduta mizmuma fil-24 ta` Frar 2012, Dr.Mario Scerri talab lill-esponent sabiex jaghmel access u jistma l-fondi biss li huma deskritti fil-paragrafi 1 sa 5 tal-kuntratt li sar quddiem in-Nutar Mariosa Grech. Dwar is-sehem indiviz mill-proprjeta` deskritta fil-paragrafi 6 u 7 tal-kuntratt dr. Mario Scerri ddikjara li l-patricinata tieghu mhix interessata mis-sehem li ghandha jew jista` jkollha minn din il-proprjeta`

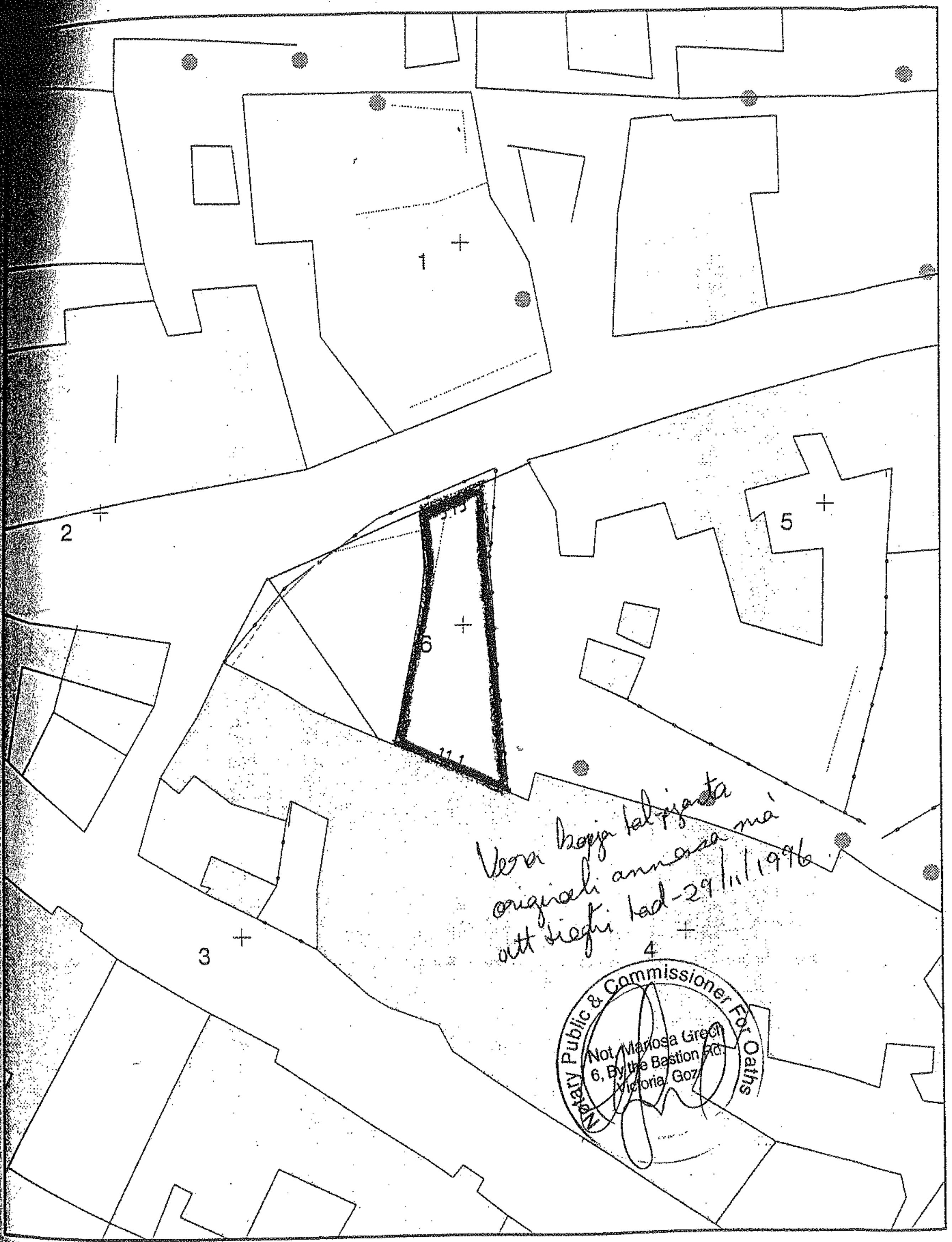
Ghaldaqstant wara li spezzjona l-proprjetajjiet elenkati fil-paragrafi precedenti nos. 1 sa 5 u ha in konsiderazzjoni l-lokalita` kif ukoll hwejjeg ohra li jista` jkollhom x`jaqsmu mall-valur ta` l-istess proprjeta` l-esponent qieghed jiffissa l-valur liberu u frank ta` dawn il-proprjetajjiet kif gej :
1] Bicca art fabbrikabbli ,maghrufa bhala "Tal-Munxar" fil-limiti tal-Munxar, Ghawdex tal-kejl cirka 183 m.k. qed tigi stmata ghall-valur ta`163000 euro. ( mija u tlieta u sittin elf euro).
2] Bicca raba` Agrikola maghrufa bhala "Ta Fejn Taz-zambla" sive "Tal-Ktajjen" sive "It-Tiksis" fil-limiti tal-Munxar,Ghawdex,tal-kejl ta` cirka 883 m.k. qed tigi stmata ghall-valur ta`1830 euro.(Elf tminn mija u tletin euro)
3] Bicca raba`Agrikola maghrufa bhala "Is-Sanap" fil-kontrada tax-Xlendi, Ghawdex,tal-kejl cirka 747 m.k. qed tigi stmata ghall-valur ta` 1548 euro.( Elf hames mija u tminja u erbghin euro)
4]Bicca raba` Agrikola maghrufa bhala " Tal-Latniga" fil-limiti tal-Munxar, Ghawdex, tal-kejl cirka 180 m.k. qed tigi stmata ghall-valur ta`186 euro.( mija u sita u tmenin euro)
5] Bicca raba` Agrikola maghrufa bhala "Tal-Ktajjen" sive "Tal-Hofra" fil-limiti tal-Munxar Ghawdex tal-kejl cirka 1000 m.k. qed tigi stmata ghall-valur ta`3500 euro.( Tlett elef u hames mitt euro)

Fl-opinjoni ta` l-esponent dawn il-hames bicciet raba` in divizjoni ma humiex komodament divizibbli.
Tant ghandu l-unur l-esponent jissottometti ghas-savju gudizzju ta` din L-Onorabbli Qorti.

A.I.C. Joseph Mizzi

Nota

001453
Dokument A

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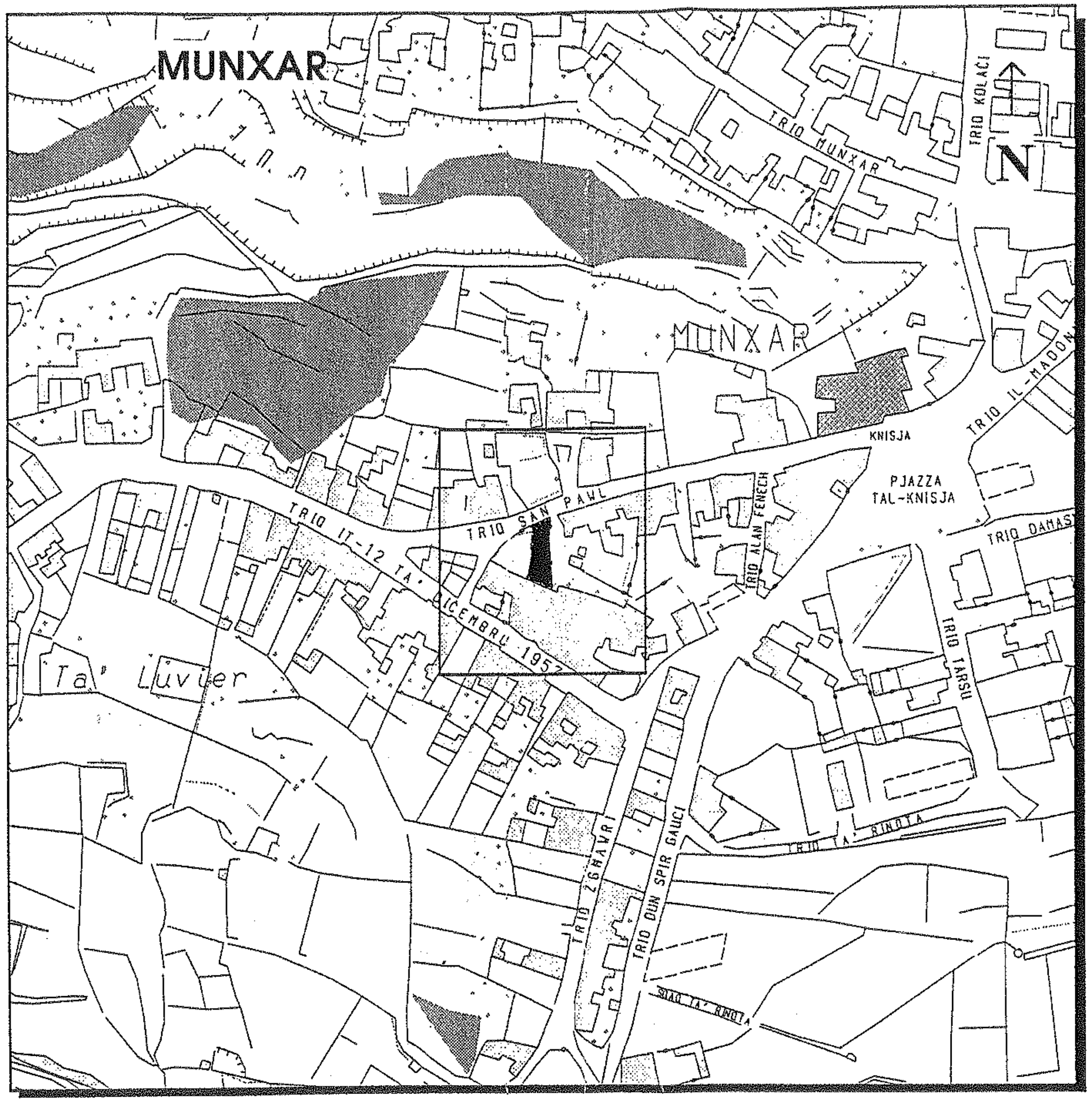


Pjanta tas-sit **1:2500** *Site Plan*

# *Registru ta' l-Artijiet* — *Land Registry*

*Casa Bolino, 116 Triq il-Punent, Valletta* — *Casa Bolino, 116 West Street, Valletta*

| | | | |
|---|---|---|---|
| Nru tal-Mappa: *Map Number:* 2960 | Posizzjoni Centrali: *Centre Coordinates:* x = 30950 y = 87770 | Parti minn SS: *Extracted from SS* 3087 | Data: *Date:* 08/28/1996 |

Perit
*Architect:*

Timbru tal-Perit
*Architect's Stamp*

EDDIE BUSUTTIL B.E.&A. (Hons) A.&C.E.
ARCHITECT & CIVIL ENGINEER
79 B, SIR LUIGI CAMILLERI STREET
VICTORIA VCT 108
GOZO - MALTA

Qies (metri kwadri)
*Area (square metres)* 183 m²

Firma tal-Applikant
*Applicant's signature*

Dritt Mhallas
*Fee Paid*

LAND REGISTRY STATIONERY

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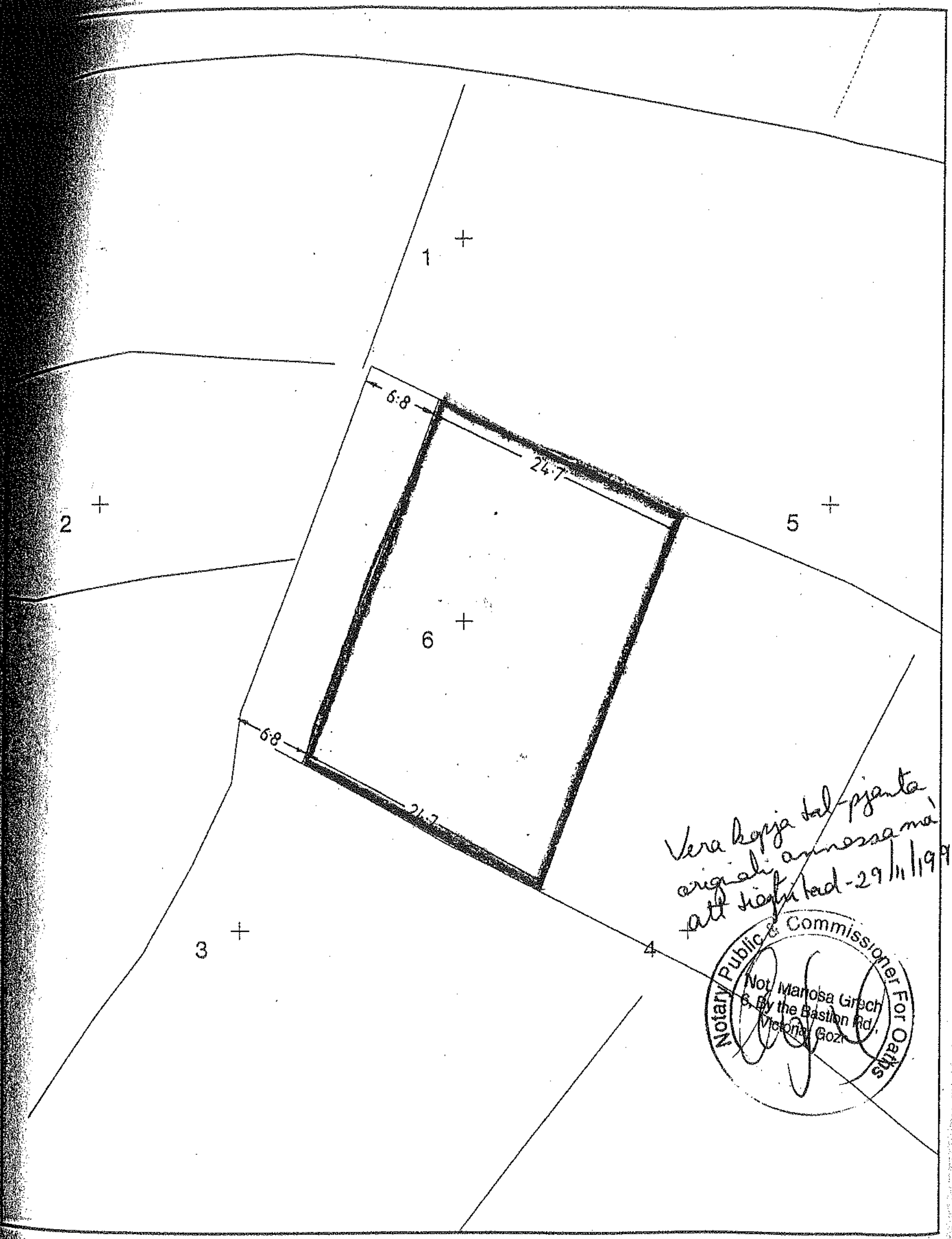
001454 Dokument B

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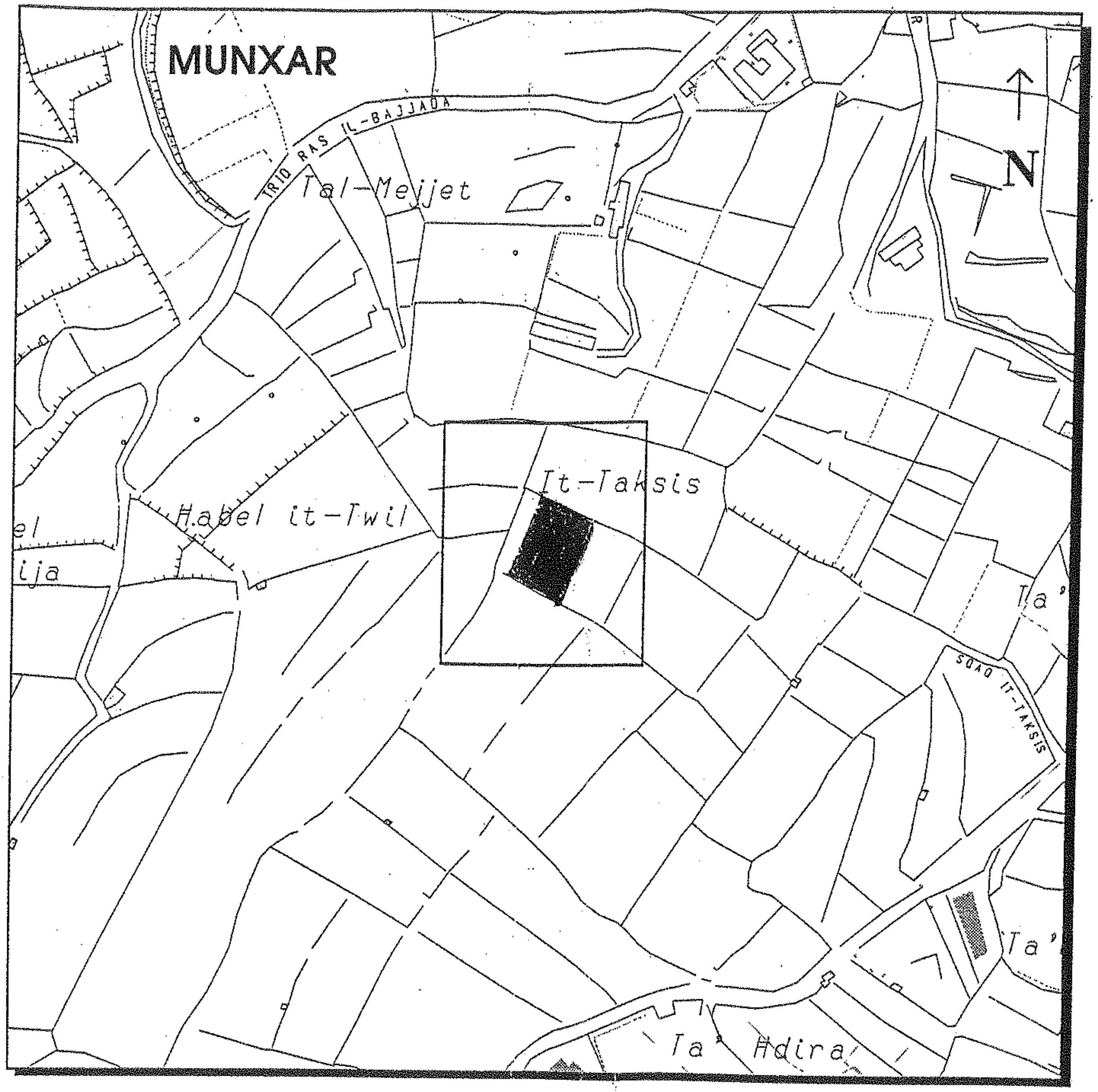


Pjanta tas-sit 1:2500 *Site Plan*

# Registru ta' l-Artijiet

*Casa Bolino, 116 Triq il-Punent, Valletta*

# Land Registry

*Casa Bolino, 116 West Street, Valletta*

| | | | |
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Perit *Architect:*

Timbru tal-Perit *Architect's Stamp*

TEDDIE BUSUTTIL B.E.&A. (Hons) A.&C.E.
ARCHITECT & CIVIL ENGINEER
79 B, SIR LUIGI CAMILLERI STREET
VICTORIA VCT 108
GOZO - MALTA

Qies (metri kwadri) *Area (square metres)* 883 m²

Firma tal-Applikant *Applicant's signature*

Dritt Mhallas *Fee Paid* LAND REGISTRY STATIONERY

Dan hu dokument ufficcjali ghall-uzu biss fir-Registru tal-Artijiet

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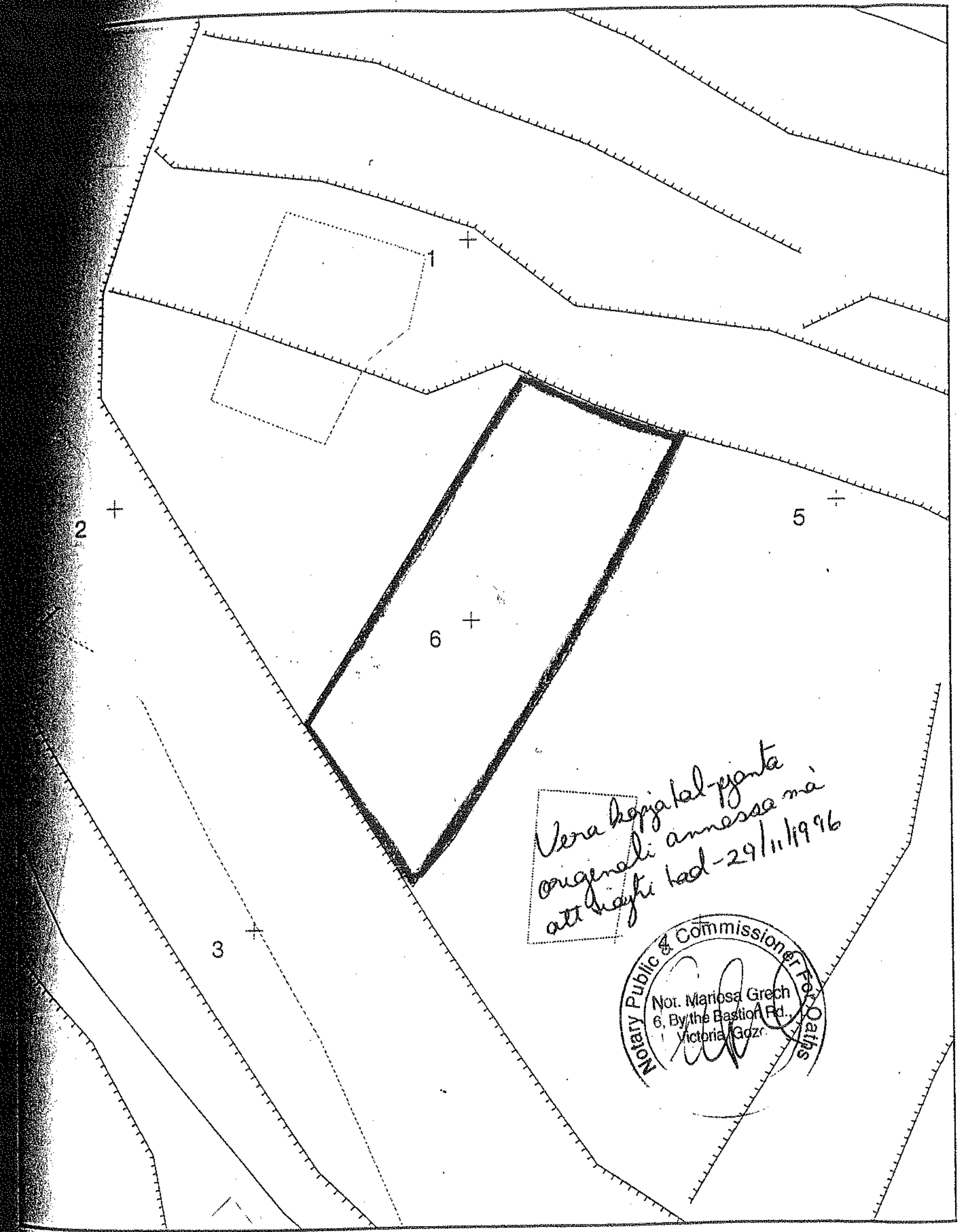
M 1033 168

001455 Dokument C

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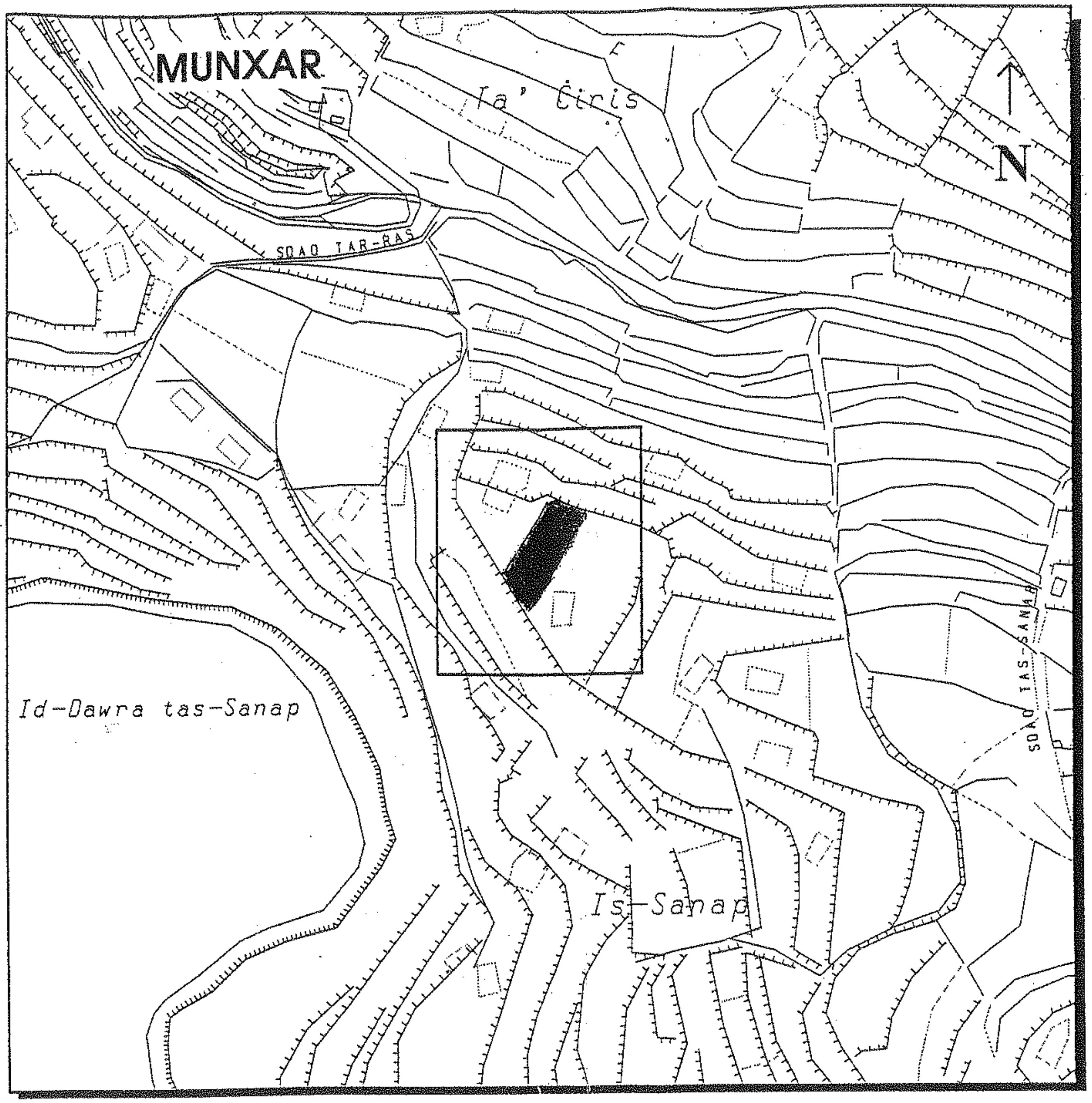


Pjanta tas-sit **1:2500** *Site Plan*

***Registru ta' l-Artijiet*** — ***Land Registry***

*Casa Bolino, 116 Triq il-Punent, Valletta* — *Casa Bolino, 116 West Street, Valletta*

| Nru tal-Mappa: *Map Number:* | 2958 | Posizzjoni Centrali: *Centre Coordinates:* | x = 29770 y = 87090 | Parti minn SS: *Extracted from SS* | 3087 2887 | Data: *Date:* | 08/28/1996 |
|---|---|---|---|---|---|---|---|

Perit
*Architect:*

Timbru tal-Perit
*Architect's Stamp*

TEDDIE BUSUTTIL B.E.&A. (Hons) A.&C.E.
ARCHITECT & CIVIL ENGINEER
79 B, SIR LUIGI CAMILLERI STREET
VICTORIA VCT 108
GOZO - MALTA

Qies (metri kwadri)
*Area (square metres)* 747m²

Firma tal-Applikant
*Applicant's signature*

Dritt Mħallas
*Fee Paid* LAND REGISTRY STATIONERY

Dan hu dokument ufficjali ghall-uzu biss fir-Registru tal-Artijiet

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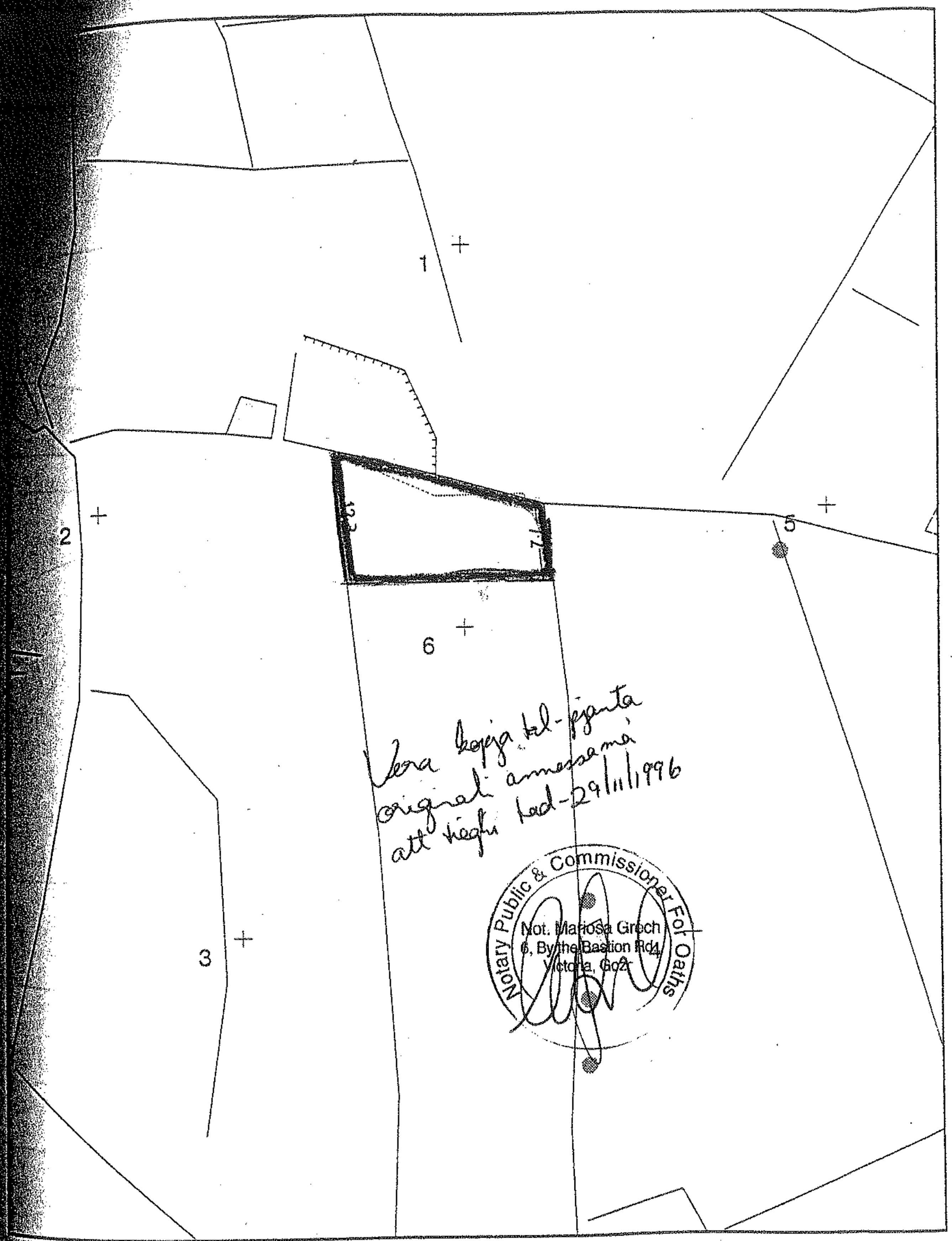
M1038 169

001456 Dokument D

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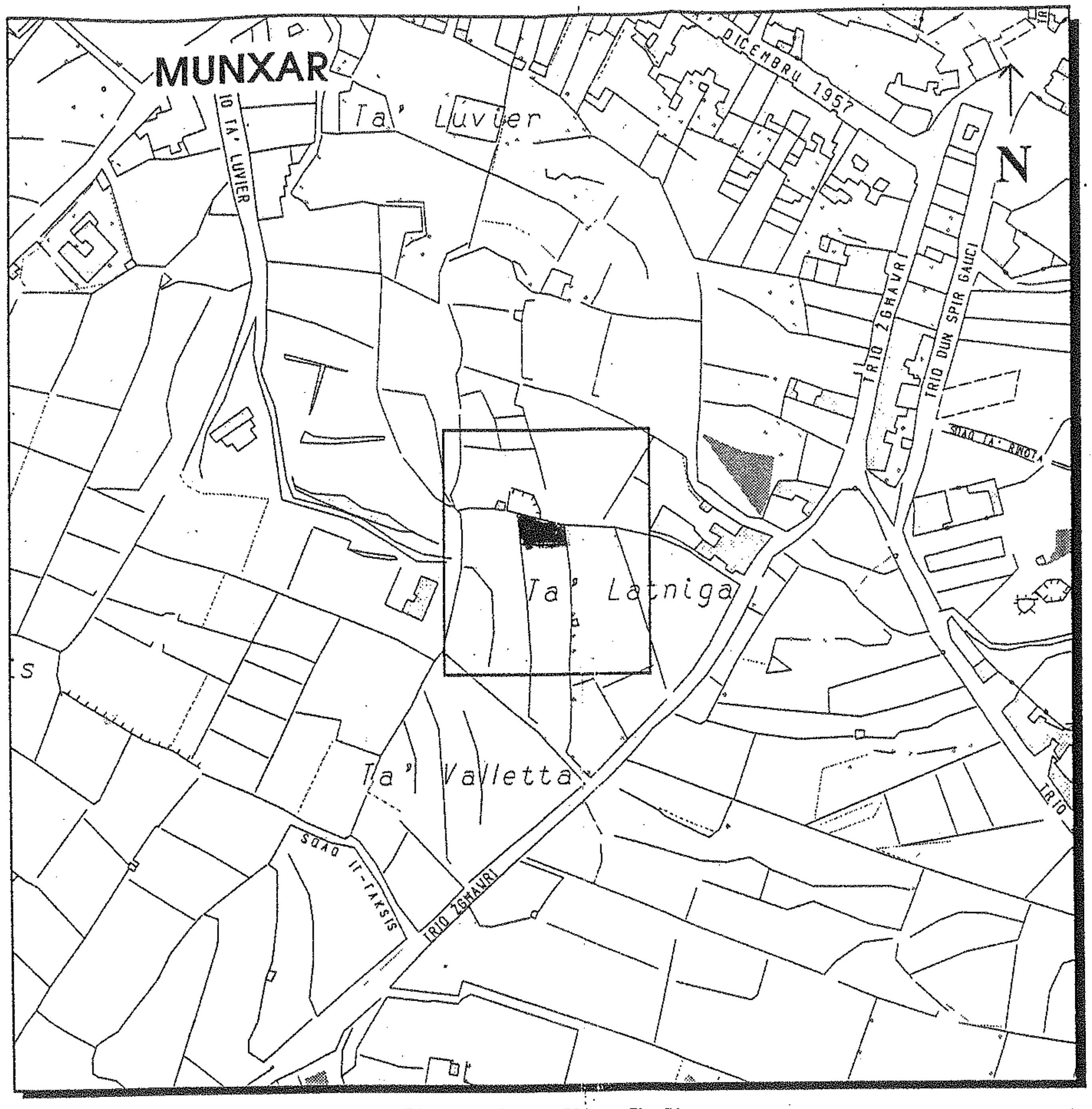


Pjanta tas-sit 1:2500 *Site Plan*

# Registru ta' l-Artijiet

*Casa Bolino, 116 Triq il-Punent, Valletta*

# Land Registry

*Casa Bolino, 116 West Street, Valletta*

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|---|---|---|---|
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Perit *Architect:*

Timbru tal-Perit *Architect's Stamp*

TEDDIE BUSUTTIL B.E.&A. (Hons) A.&C.E.
ARCHITECT & CIVIL ENGINEER
79 B, SIR LUIGI CAMILLERI STREET
VICTORIA VCT 108
GOZO - MALTA

Qies (metri kwadri) *Area (square metres)* 180 m²

Firma tal-Applikant *Applicant's signature*

Dritt Mhallas *Fee Paid*

LAND REGISTRY STATIONERY

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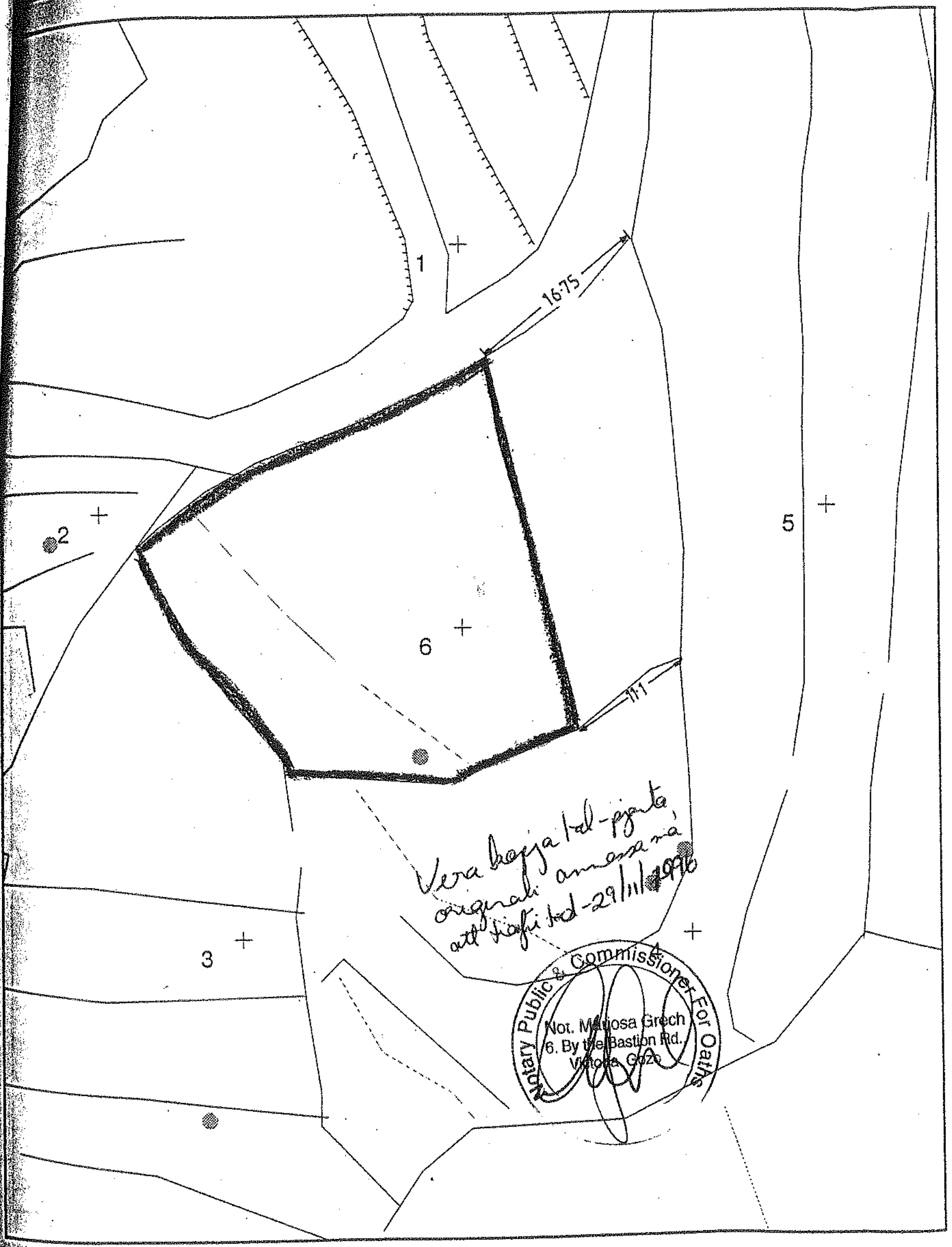
M.123B 170

001457 *Dokument E*

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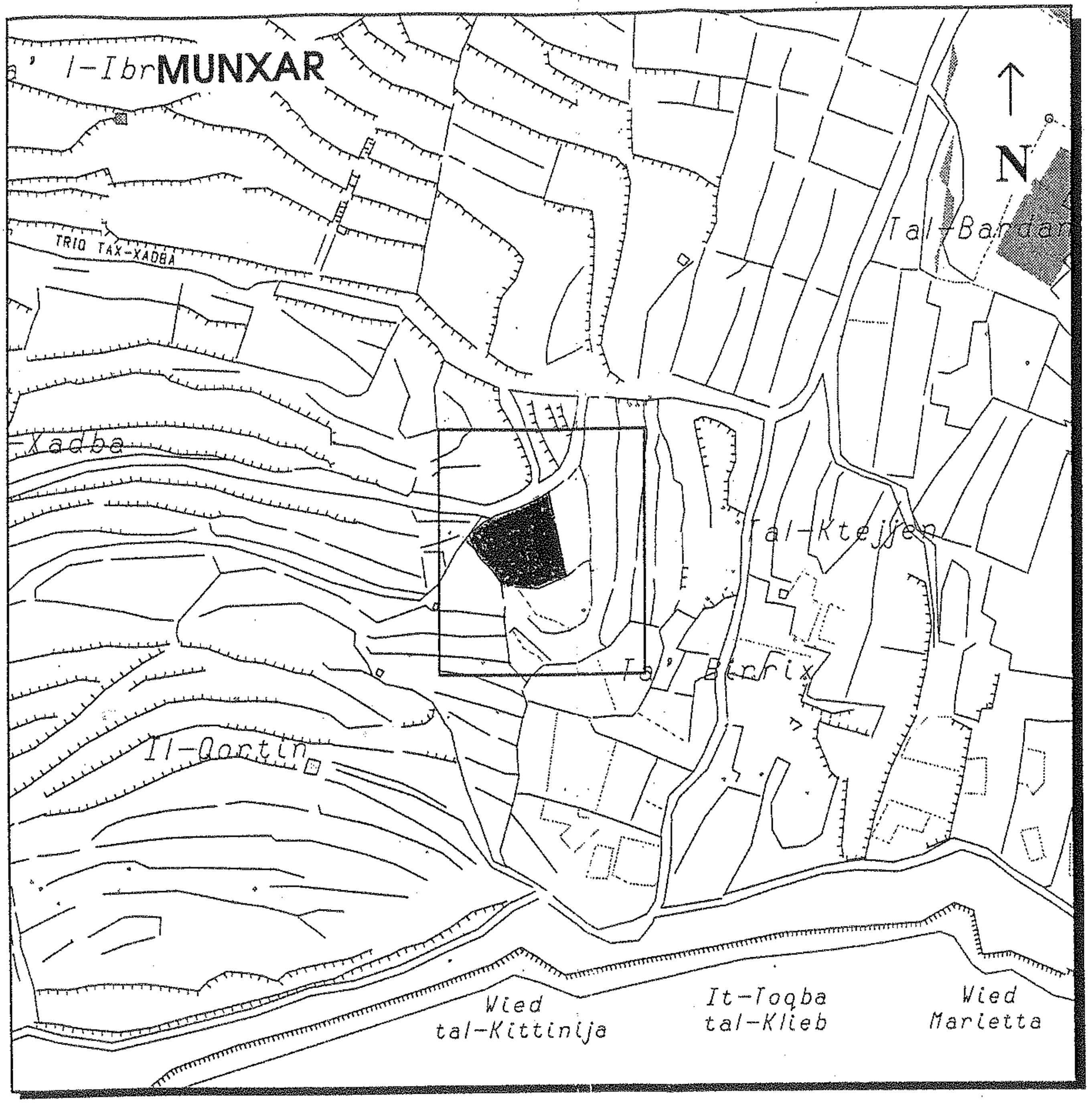


Pjanta tas-sit **1:2500** *Site Plan*

# *Registru ta' l-Artijiet* — *Land Registry*

*Casa Bolino, 116 Triq il-Punent, Valletta*

*Casa Bolino, 116 West Street, Valletta*

| | | | |
|---|---|---|---|
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| Perit *Architect:* | | Qies (metri kwadri) *Area (square metres)* 1000 m². | |
| Timbru tal-Perit *Architect's Stamp* TEDDIE BUSUTTIL B.E.&A. (Hons) A.&C.E. ARCHITECT & CIVIL ENGINEER 79 B, SIR LUIGI CAMILLERI STREET VICTORIA VCT 108 GOZO - MALTA | | Firma tal-Applikant *Applicant's signature* | |
| | | Dritt Mħallas *Fee Paid* | LAND REGISTRY STATIONERY |

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