



Fit-Tribunal tal-Konsumatur

CCT/54/17/S

Anthony Michael Haden
Vs
Express Trailers Ltd

Today 27 of July, 2017.

The Tribunal,

Took cognizance of the request by Anthony Michael Haden filed on the 15th of March, 2017 and the reply filed on the 18th of May, 2017 of Express Trailers Limited;

Examined the presented documents together with the written submissions and heard both parties;

Considered

That plaintiff is suing defendant company for a smartphone which according to plaintiff, was delivered to a third party whilst defendant company submitted that this parcel never arrived at its hub;

That parcel was collected by plaintiff but inside it there was just the other item but not the smartphone;

That the delivery receipt which plaintiff signed, describes the item as a mobile phone;

That plaintiff himself admits that "I have no proof that the mobile actually left the point of departure"ⁱ;

That plaintiff realised that there was no mobile in the parcel when he arrived home. Furthermore plaintiff confirmed that he had purchased an insurance policy;



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That from the evidence tendered in front of this Tribunal, it transpires that only one parcel arrived at the defendant company's hub in the United Kingdom;

That it is for this reason that defendant company emphasized the need for plaintiff for proof of delivery to the UK hub. This crucial evidence was never presented in front of this Tribunal;

That in the absence of such proof, plaintiff's claim was not proven and therefore his request is being rejected;

Consequently for the abovementioned reasons and in the circumstances of this case and after examining Chapter 378 of the Laws of Malta, this Tribunal Decides to Reject Anthony Michael Haden's claim and Accepts the pleas submitted by Express Trailers Ltd as aforesaid. Each party is to bear its own expenses of these procedures.

A handwritten signature in blue ink, appearing to be 'Richard Sladden Av.', written over a horizontal line.

Richard Sladden Av.
Arbiter