



MALTA

Fit-Tribunal tal-Konsumatur

CCT/84/16/S

Mariola Prorok
Vs
Vialino Limited

Today 19 of July, 2017.

The Tribunal,

Took cognizance of the request by Mariola Prorok filed on the 18th of April, 2016 and the reply filed on the 11th of May, 2016 of Vialino Limited;

Examined the presented documents and heard both parties;

Considered

That plaintiff is suing defendant company for a door of a kitchen unit which had grey spray on the inside and about a dishwasher which according to plaintiff, never worked. Defendant company has submitted that plaintiff is refusing to let defendant company change the kitchen door whilst as regards the dishwasher, the guarantee is issued by Sound Machine Ltd and consequently plaintiff has to sue this company;

That grey spray on the inside of a kitchen door is not something that cannot be remedied and in the Tribunal's opinion, the lack of agreement on such an issue reflects the lack of trust between the parties;

That once the defendant company accepted to change the kitchen door, this should be allowed by plaintiff. In fact such a thing should have been resolved amicably without recourse to these procedures;

A handwritten signature in blue ink, appearing to be a stylized 'S' or similar character.



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That with regards to the dishwasher, the guarantee was issued by Sound System Ltd and not by defendant company and any request should be addressed to such company;

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 plaintiff's claims and Accepts the pleas submitted by defendant company as aforesaid and Orders that the kitchen door is changed by defendant company within ten days from this decision. Each party is to bear its own expenses of these procedures.

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

Richard Sladden Av.
Arbiter