TRIBUNAL GHAL TALBIET
TAL-KONSUMATUR

CONSUMER CLAIMS
TRIBUNAL

MALTA

Fit-Tribunal tal-Konsumatur

CCT 154/18/B

Anabel Falzon u Melvin Falzon
Vs
Central Trading Co. Ltd

Illum, 15 t' April, 2019

It-Tribunal:

Ra l-avviz tar-rikorrenti ipprezentat fis-16 t'Ottubru, 2018 li permezz tieghu r-rikorrenti qed jitolbu hlas fl-ammont ta' sebgha mitt Euro (€700) rappresentanti hsara fil-motherboard ta' Airconditioner.

Ra r-risposta tas-socjeta' intimata datata 21 ta' Novembru 2018 li permezz taghha irrispingiet t-talba tar-rikorrenti stante illi corrosion jew sadid kienet eskluza mill-garanzija;

Ra l-Atti tal-process;

Semgha ix-xhieda;

Ra d-Dokumenti esebiti;

Ikkunsidra:

Illi r-rikorrenti xtraw air conditioner unit fis-sena elfejn u tlettax (2013) minghand is-socjeta' intimata, liema air conditioner zvillupatlu hsara fil-motherboard li giet corroded u ghalhekk l-istess air conditioner ma baqax jahdem.

Illi xehedet Anabel Falzon li spjegat lit-Tribunal illi l-Air Conditioner kellu hames (5) snin garanzija. Illi fl-2018 l-istess Air Conditioner zvillupatu fault u ma bdiex jahdem. Illi huma ghamlu kuntatt mas-socjeta' intimata u t-technician kien infurmahom illi l-hsara kienet mill-motherboard. Illi r-rikorrenti tghid illi t-technician kien infurmaha illi l-hsara kienet tissewwa izda wara diversi gimghat jistennew u wara diversi kuntatti, huma gew infurmati illi l-part taghhom kienet tinsab Ghawdex izda din ma kienetx tittranga peress illi kellha l-corrosion. Illi r-rikorrenti tispjega illi hija giet infurmata mis-socjeta' intimata illi l-ispejjez ghal motherboard ohra kienet madwar sitt mija jew sebgha mitt Euro (€600 - €

700). Illi r-rikorrenti spjegat ukoll illi s-socjeta' intimata infurmata illi peress li l-fault kienet ta' *corrosion* ghalhekk ma kienux ser jibdlu l-part huma peress li kienet eskluza mill-garanzija.

Illi xehed ir-rikorrenti l-iehor Melvin Falzon li spjega lit-Tribunal illi l-ewwel kien gie infurmat mis-socjeta' intimata illi l-part kienet tissewwa u li sussegwentament illi l-part kellha tinbidel. Illi r-rikorrenti jghid illi huwa kien tkellem mal-Manager certu Cleaven li kien infurmah illi l-ispejjez kellhom jithallsu mir-rikorrenti izda li r-rikorrenti kien irrifjuta peress li l-Air Conditioner kien ghadu kopert mill-garanzija. Illi Melvin Falzon jghid illi Cleaven kien talbu kopja tal-garanzija, li huwa kien batlu b'email izda minkejja dan baqa' qatt ma sema' xejn minn naha tas-socjeta' intimata tant illi l-part baqghet ghand is-socjeta' intimata.

Illi xehed Alan Mifsud in rapprezentanza tas-socjeta' intimata u kkonferma l-fatti esposti mir-rikorrenti u cioe' illi l-part tal-Air Conditioner kienet tinsab ghand is-socjeta' intimata u li l-fault fil-motherboard kienet corrosion. Illi huwa spejga illi din l-fault ma kienetx koperta mill-garanzija li taghti l-kumpanija barra minn Malta peress li corrosion ma kienetx ikkagunata mill-AC unit. Illi x-xhud jispjega illi s-socjeta' intimata ppruvat issewwi l-part in kwistjoni izda xorta ma hadmitx. Illi x-xhud in kontro ezami spejga ukoll fil-garanzija tar-rikorrenti ma kienx hemm imnizzel illi corrosion kienet eskluza mill-garanzija peress illi Inverter Air Conditioner Units kienu ghadhom fil-bidu tant illi prezentament l-eskluzzjoni mill-garanzija fuq corroded parts giet inkluza fid-dokument tal-garanzija ghal AC's godda. Illi Alan Mifsud spejga illi din l-part tiswa' hames mitt Euro (€ 500) sabiex tinbidel.

Illi t-Tribunal ikkunsidra illi l-kwistjoni bejn il-partijiet tirrelata dwar il-fatt jekk corrosion fil-motherboard kienetx eskluza mill-garanzija o meno. Illi t-Tribunal jinnota illi s-socjeta' intimata ghamlet diversi sforzi sabiex tirranga l-hsara fl-istess part izda l-istess part ma setghetx tittranga minhabba n0natura tal-hsara. Illi filfatt kemm fix-xhieda quddiem dan it-Tribunal, kif ukoll fir-risposta taghha s-socjeta' intimata sahqet illi corrosion fuq parts ma kienetx inkluza fil-garanzija u ghalhekk il-hsara ghandha tithallas mir-rikorrenti.

Illi t-Tribunal ezamina d-dokument tal-garanzija moghti lir-rikorrenti li jghid:

"Items not covered by this Guarantee
1. Remote Control Unit
2. Air Filters
3. Plastic Covers/Hinges and Locks
4. Gas Leaks caused from corrosion or metal fatigue of the copper

5. Wear and Tear of parts caused by excessive overload of work due to inadequate and excessive temperature levels surrounding the unit from the purpose of use other than of domestic or office use"

Illi mid-dokument tal-garanzija jirrizulta illi l-unika eskluzzjoni ghall-corrosion hija limitata biss ghal gas leaks jew corrosion tal-copper pipers u mhux ghal xi part mill-Air Conditioner Unit. Illi filfatt rapprezentant tas-socjeta' intimata kkonferma illi fl-istess dokument tal-garanzija ma hemmx l-eskluzzjoni tal-corrosion u dan peress illi meta r-rikorrenti xtraw l-Inverter Air Condition Unit din it-teknologija kienet ghadha fil-bidu.

Illi t-Tribunal ghalhekk jikkunsidra illi gia ladarba l-dokument tal-garanzija tar-rikorrenti ma jeskludix il-corrosion tal-motherboard ghalhekk is-socjeta' intimata ma setghetx tirrifjuta li tirranga tali hsara a bazi illi prezentament tali hsara giet eskluza mill-garanzija ghal AC Units godda.

Illi dan it-Tribunal wara li sema' l-provi kollha u ra d-dokumenti kollha esebiti jikkunsidra illi gialdarba corrosion ta' mother board ma kienetx hsara li kienet eskluza mill-garanzija moghtija lir-rikorrenti ghalhekk t-talba taghhom ghandha tigi milqugha.

DECIDE

Ghaldaqstant, it-Tribunal qed jaqta u jiddeciedi dan l-avviz, ghar-ragunijiet fuq spjegati, billi jilqa' t-talba tar-rikorrenti u jikkundanna lis-socjeta' intimata jirranga l-hsara fl-Air Conditioner Unit tar-rikorrenti billi jibdel l-motherboard a spejjez tas-socjeta' intimata u fin-nuqqas li taghmel dan jikkundanna lis-socjeta' intimata thallas lir-rikorrenti s-somma ta' hames mitt Euro (€500) rapprezentanti l-ispejjez ghal motherboard gdida.

Bl-ispejjez ta' dawn il-proceduri kontra s-socjeta' intimata.

Avv. Paul Borg
Arbitru