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Fit-Tribunal tal-Konsumatur

CCT/45/19/S

Ahmad Aziz

vs

C&C Express Limited

Today ^{28th} of November, 2019

The Tribunal,

Took cognizance of the request by Ahmad Aziz filed on the 25th of April, 2019 and the reply filed on the 23rd of May, 2019 by C&C Express Ltd;

Examined the presented documents and heard both parties and their verbal submissions made during the sitting of the 13th of June, 2019;

Considered

That plaintiff is suing defendant company for missing documents sent by him to Pakistan. On the other hand, defendant company is alleging that documents were delivered and that plaintiff's claim is frivolous;

That this case is about the collection and delivery of documents from Malta to another country;

That in this regard, this Tribunal accepts defendant company's argument that it does not check the documentation being delivered;

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That from the evidence tendered before this Tribunal, it seems that the package containing the documents was delivered and signed for but it is not customary to list the documents inside in order to confirm whether all documents were delivered or not;

That plaintiff did not manage to prove that there was negligence on the part of defendant company or that the latter was responsible for the alleged loss of particular documents;

That only one document (marriage contract) is alleged to be missing whilst the other documents (in the same package) were received in Pakistan;

That from the evidence in front of this Tribunal, the nexus linking defendant company with the loss of that document has not been proved according to law;

That consequently the plaintiff did not manage to prove what he is alleging;

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 Ahmad Aziz's claim and Accedes to the pleas submitted by C&C Express 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', written in a cursive style.

Richard Sladden Av.
Arbitru