Fit-Tribunal tal-Konsumatur

Anna Polidano

vs

A.B.B.S Ltd (BigMat)

CCT

9 ta' Gunju 2021

It-Tribunal

Ra l-avviz tar-rikorrenti pprezentat fit-18 ta' Marzu 2020 fejn talbet lil dan it-Tribunal jikkundanna l-isocjeta' intimata thallasha l-ammont ta' €230.00, prezz ta' television mixtri minghand l-istess socjeta', liema television zviluppa hsara wara inqas minn sena.

Ra r-risposta tas-socjeta' intimata pprezentata fl-14 ta' Lulju 2020 fejn cahdet it-talba tar-rikorrenti bhala infondata fil-fatt u fid-dritt u qalet illi tali hsara ma kenitx kopert mill-garanzija ghaliex ma kellux jaqsam ma xi difett latenti fil-manifattura tal-prodott, u anke jekk ghal grazzja tal-argument ghandhom jigu likwidati xi danni favur ir-rikorrenti, l-fatt illi uzat it-television ghal perjodu ta' sena ghandu jittiehed in konsiderazzjoni.

Ra l-atti kollha tal-kawza

Sema' x-xhieda bil-gurament

Ikkunsidra

Illi rrizulta mill-provi illi fil-15 ta' Novembru 2018 ir-rikorrenti Anna Polidano xtrat TV minghand l-azjenda BigMatt ghal prezz ta' €230.00. Grezzju Bajada prodott mir-rikorrenti xehed f'dawn il-proceduri u qal illi xi sena wara li xtratu, r-rikorrenti xeghlet it-TV u wara siegha indunat li kien mitfi. Cemplu l-azjenda BigMat u qalulhom biex jehduh ghand CS Technical Services il-Fgura. Gimgha wara xi hadd cempel biex jinfurmahom illi kien hemm hsara minhabba li d-dawl kien ghola, pero' Bajada jichad illi dakinhar kien inqata' d-dawl. Mar l-Enemalta u gab rapport li kkonferma illi dakinhar ma kienx hemm qtugh fid-dawl u li d-dawl ma gholiex. (ara Dok AP- ittra iffirmata minn Frances Peplow).
Xehdet ukoll ir-rikorrenti Anna Polidano li kkonfermat l-avviz taghha u kkonfermat dak kollu li qal il-partner taghha Grezzju Bajada.

Illi xehed ukoll Noel Hollier illi kkonferma illi fil-21 ta' Novembru 2019 ir-rikorrenti giet fil-Customer Care tal-azjenda minhabba hsara fit-television (ara l-job card esebit.) Hollier ighid illi

peress li huma mhumiex l-agenti u l-agent huwa certu Derek Cini, huma jibghatu repairs ghand CS Technical Services. Esebixxa dokument, apparentement minn certu Joseph Spiteri (Electrical Technician), datat 5 ta' Dicembru 2019 li pero' mhuwiex iffirmat minnu.

Ikkunsidra

Illi f'din il-kawza, ir-rikorrenti qed titlob ir-rifuzjoni ta' €230.00, prezz ta' television mixtri minghand is-socjeta' intimata, liema television zviluppa hsara fil-power supply. Irrizulta wkoll illi t-telvision inxtara fil-15 ta' Novembru 2018 u li ttiehed ghat-tiswija sena wara, f'Novembru 2019.

Illi min-naha taghha, is-socjeta' intimata qieghda tistrieh kompletament fuq Dokument 4 li huwa Technical Report li jikkonkludi hekk:

Inspection of this TV resulted in a faulty Primary section in the power-supply. It was clear that there was a short in the switch mode section of the board due to a faulty short-circuit MOS-FET transistor, short-circuit filter capactitor (recte capacitor), power factor correction integrated circuit chip. Fault on the primary section of the power-supply board is due to abnormal electrical supply input, which could be fluctuating, over voltage at times hence failure of the mentioned components.

Illi Joseph Spiteri, li jidher li rrediga r-rapport, qatt ma deher quddiem dan it-Tribunal, ghalkemm inghata kull opportunita' li jaghti x-xhieda tieghu, iktar minn darba. Dan ma jawgurax tajjeb.

Illi fl-ahhar mill-ahhar l-esercizzju ta' kull espert tekniku jinvolvi ghazliet bazati fuq id-diskrezzjonalita' teknika tat-testijiet kondotti minnu, u kull gudizzju tieghu hu rizervat lill-gudikant. It-Tribunal ihoss li ma jistax joqghod fuq rapport li lanqas huwa ffirmat, meta x-xhud ma hassux komdu bizzejjed biex jikkonfermah bil-gurament quddiem dan it-Tribunal. Dan ir-rapport, li lanqas jindika x'testijiet saru, ma jaghtix it-Tribunal serhan il-mohh u ghalhekk it-Tribunal jidhirlu illi gialdarba it-television kien ghadu taht garanzija, dan ghandu jigi imsewwi a spejjes tas-socjeta' intimata.

Ghal dawn ir- ragunijiet, jaqta u jiddeciedi illi jilqa t-talba tar- rikorrenti, jipprefiggi terminu ta' gimghatejn sabiex is-socjeta intimata ssewwi, a spejjez taghha, t-television in kwistjoni, u fin-nuqqas, tikkundanna lill istess socjeta li tirrifondi lir-rikorrenti s-somma ta €230.00, bi dritt li tiehu lura t-television wara li jsir il-hlas. Bl-ispejjez kontra s-socjeta intimata.

Michela Spiteri Av.
Arbitru