TRIBUNAL GHAL TALBIET TAL-KONSUMATUR

CONSUMER CLAIMS TRIBUNAL

MALTA

Fit-Tribunal Ghal Talbiet tal-Konsumatur

Jonathan Vella

vs

Terence Zammit McKeon

CCT G4/21/MS

18 ta' Frar 2022

It-Tribunal

Ra l-avviż tar-rikorrent fejn talab ir-rifużjoni ta' €1198.20, prezz imħallas lill-intimat għal konsenja u installazjoni ta' żewġ vanities, liema *vanities* baqgħu qatt ma ġew konsenjati lir-rikorrent.

Ra li l-intimat, debitament notifikat, m'għamilx risposta u lanqas ma deher quddiem dan it-Tribunal biex jixhed quddiem dan it-Tribunal.

Ra l-atti kollha tal-kawża.

Sema' x-xhieda bil-ġurament.

Ikkunsidra

Illi rriżulta mill-provi illi f'Awwissu 2019 ir-rikorrent ftehem mal-intimat fuq servizzi ta' turnkey fl-ammont ta' għoxrin elf, mija u wieħed u disgħin Euro u tmienja u erbgħin ċenteżmu, liema ammont tħallas mir-rikorrent fl-intier tiegħu. Ġara pero' illi l-intimat kien għad fadallu jikkonsenja u jinstalla żewġ vanity units, liema units baqgħu qatt ma ġew konsenjati. Dawn flimkien kienu jammontaw għall-prezz ta' €1198.20.

Fl-avviż tiegħu r-rikorrent jgħid hekk:

"Up until the 20th August 2020, I paid the trader a total of €20,191.48 for works and services in relation to apartment finishes. Notwithstanding full payment, the service in relation to the supply and installation of the vanities were never delivered by the trader and the extra money paid ... has not yet been refunded. In February 2021, I was informed by the trader that the works in relation to the vanities will commence once payment to the carpenter was done. However, despite constant reminders by both myself and the carpenter, the payment never took place and hence the work never

commenced. Seeing this I requested the trader to refund the above mentioned amount of €1198.20. All sorts of excuses were made during February and all through March, making me believe that I will get refunded, however, the refund was never paid."

Ir-rikorrent jgħid illi l-mastrudaxxa konċernat huwa Kenneth Borg.

It-Tribunal ra wkoll skambju ta' messaġġi bejn ir-rikorrent u l-intimat kif ukoll bejn ir-rikorrent u l-mastrudaxxa Kenneth Borg, li jikkorroboraw u jikkonfermaw ix-xhieda ṭar-rikorrenti. Jidher li l-intimat kien dejjem jgħid li ħa jħallas iżda baqa' ma ħallasx.

It-Tribunal ra wkoll illi l-intimat, debitament notifikat, qatt ma deher quddiem dan it-Tribunal biex jagħti l-verżjoni tiegħu li b'xi mod jikkontrasta dak li qed jgħid ir-rikorrent. Dan ma jawgura xejn tajjeb u jkompli jsaħħaħ il-verżjoni tar-rikorrent, li fiċ-ċirkostanzi tidher li hija verosimili u għandha titwemmen.

Għal dawn il-motivi, jaqta' u jiddeċiedi illi jilqa' t-talba tar-rikorrent u jordna lill-intimat iħallsu s-somma ta' elf, mija tmienja u disgħin Euro u għoxrin ċenteżmu (€1198.20). Bl-ispejjes kontra l-istess intimat.

Michela Spiteri Av.
Arbitru