



In the Acts of Claim CCT 145/22/F

**Pekka Lempinen**

vs

**Davide Cadelano Woodworks**

Today, the 13<sup>th</sup> March, 2023

**The Tribunal:**

Having seen the Notice of Claim filed by the applicant on the 7<sup>th</sup> October 2022;

Having seen that the respondent failed to file a formal Reply to the applicant's claim despite being duly notified with the Statement of Claim on the 22<sup>nd</sup> October 2022;

Having heard the sworn testimony of the applicant during the sitting of the 20<sup>th</sup> February 2023;

Having seen the documents exhibited by the applicant.

**Considered:**

Whereas through the instant proceedings, the applicant is requesting that the respondent is condemned by this Tribunal to pay him the sum of one thousand, four hundred and sixteen Euro (€1,416.00) which he had advanced to the respondent on the 30<sup>th</sup> September 2021 as a deposit on account of a set of three internal wooden doors.

Whereas during his testimony, the applicant explained that despite paying the deposit as requested, the respondent failed to deliver the doors within the agreed time-frame of three to four months from date of payment of deposit. The applicant further explained that when it was clear that the respondent had no intention of fulfilling the order, he started chasing him to have the deposit returned. When it was clear that the



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respondent had no intention of doing this either, the applicant turned towards the assistance of the MCCA.

Whereas by failing to file a reply and also failing to enter an appearance during the sitting of the 20<sup>th</sup> February 2023, this Tribunal is deprived of the respondent's version of events and any possible rebuttal of the applicant's claim.

Whereas in the circumstances, the Tribunal considers that the applicant has satisfactorily proven his case and further considers that the respondent had no justification whatsoever to retain the deposit when it was clear that he was not going to deliver the doors to the applicant within the agreed time-frame.

**Decision:**

**Therefore, for the abovementioned reasons, in the circumstances, after having seen Chapter 378 of the Laws of Malta, the Tribunal hereby decides this claim by upholding it and consequently condemns the respondent to pay the applicant the sum of one thousand, four hundred and sixteen Euro (€1,416.00).**

**All costs relating to these proceedings are to be borne by the respondent.**

A handwritten signature in blue ink, appearing to be 'M. Felice'.

**Avv. Mattia Felice**  
*Arbiter*