



**Consumer Claims Tribunal**

**Didier Hubert Frank Toury**

**Vs**

**Jason Farrugia**

**CCT 102/23/MM**

**Today,** 9<sup>th</sup> September 2024

**The Tribunal**

Having seen the plaintiff's claim, filed on 20th June 2024, wherein he seeks the sum of five thousand euro (€5,000) and the return of some stone objects.

Having seen the respondent's reply.

Having seen all the acts and documents of the case.

And having duly considered the testimonies given under oath.

**Considers**

That the claimant engaged the respondent to dismantle some stones and carry out restoration works on a basin/pond in his garden. The parties disagree on the value of the works however the Tribunal immediately notes that this subject matter is being determined by the



Small Claims Tribunal and the Tribunal 211/23 and thus will take no further cognizance of it.

Regarding the claim, the claimant specifically requests that the Tribunal order the respondent to return the sum of five thousand euro (€5,000) allegedly taken from him. The Tribunal notes that these funds were deposited in court by Bank of Valletta pursuant to garnishee order 2245/2022. Consequently, the funds in question are not in the possession of the respondent. Moreover, the appropriate procedure to seek the revocation of a garnishee order is to file an application before the competent court requesting that the garnishee order is removed by a counter-warrant. This Tribunal does not have the jurisdiction to order the release of the aforementioned funds. With respect to the request to order the claimant to return some stone objects, the Tribunal notes that no evidence whatsoever was presented or submitted in support of this request.

For the reasons set out above, the Tribunal decides the case and rejects the claimant's request.

Costs to be supported by the claimant.



**Avv Dr Martha Mifsud LL.D.**

**Arbiter**