



ARBITER

Dott. Deborah Schembri

Sitting held on Monday 1st December, 2025

Talba Nru: CCT38/25/DS

Adriana A. Frank

Vs

Energy Home Appliances

The Tribunal

Saw the notice of claim of the applicant presented on the 21st of February, 2025 where applicant asked the Tribunal for compensation amounting to seventy five Euro (€75) in damages for frozen food which had allegedly thawed due to a replacement fridge which applicant is stating, was not working;

Saw that defendant company replied to the claim on the 10th of March 2025 after having duly been notified with the claim and the hearing date:

Saw that the parties both presented their positions;

Saw all the acts of the case;

Heard all the evidence brought forward;

Considered

That plaintiff confirmed all the essential points and claims she had presented to this tribunal;

Defendant company confirmed its position as to why the amount sought by applicant was not due;

The facts of the case revolved around the issue of an allegedly faulty replacement fridge which resulted in food being thawed to the applicant's detriment. The said fridge was a temporary fix because within a day the trader had agreed to fully compensate the applicant for the faulty fridge it had previously bought.

Having seen all the circumstances of the case this Tribunal cannot find fault in the way the trader dealt with the situation. It dealt with the matter expediently and justly and ended up fully refunding the applicant within a very short period of time.

On the other hand the applicant did not produce sufficient proof that the replacement fridge was faulty.

Given the above the Tribunal does not find that the applicant's claim is justified at law and from the evidence brought forward there is no legal basis for this claim to be upheld.

Decision

Therefore, for all the reasons given above, and after having consulted the acts of the case, seen Chapter 378 of the Laws of Malta and after taking into consideration all the circumstances of the case, this Tribunal is of the opinion that the applicant has not proved her case sufficiently to the degree expected at law and therefore according to the merits of the case and according to substantive justice as well as equity, feels that the claim is to be dismissed in its entirety.

For these reasons it decides to dismiss the totality of the claim.

All expenses are to be borne by the applicant.



Deborah Schembri

B.A. (Leg. & Hum. St.) (Melit.),
P.G. Cert. (Parental Alienation)(IFT-Malta),
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