

Νομολογία

Στοιχεία της υπόθεσης

Εθνικός αναγνωριστικός αριθμός: District Court, Judgement 7233/11

Κράτος μέλος: Κύπρος

Κοινή ονομασία: Dieksodos Ltd v Dan-Form ApS

Είδος απόφασης: Πρωτοβάθμια δικαστική απόφαση

Ημερομηνία απόφασης: 14/04/2020

Δικαστήριο: Επαρχιακό Δικαστήριο Λευκωσίας, Διέξοδος Λτδ v Dan-Form ApS

Θέμα:

Ενάγων:

Εναγόμενος:

Λέξεις-κλειδιά: sales contract, conformity, presumption of conformity

Άρθρα της οδηγίας

Consumer Sales and Guarantees Directive, [Article 5](#)

Περίληψη

ECLI:CY:EDLEF:2020:A194

Right of redress against the producer by final seller who has been found liable because of a lack of conformity.

Πραγματικά περιστατικά

The plaintiff was the final seller, in Cyprus, of plastic chairs sold to it in bulk by the defendant. The plaintiff was found liable for lack of conformity of one of the chairs sold to its retail customer and sought redress by the defendant.

Νομικό ζήτημα

1. Whether a decision finding the final seller liable for lack of conformity automatically signifies liability of the previous seller or producer.
2. What is the critical time to determine conformity of the goods?

Απόφαση

1. Liability of the producer has to be proven against him by the final seller; the previous decision finding liability of the final seller has no influence on this determination.
2. Conformity will be determined at the time of the passing of risk, thus under the quality standards in place at the time of the sale.

URL: <http://cylaw.org/cgi-bin/open.pl?file=/apofaseised/pol/2020/1120200234.htm>

Πλήρες κείμενο: [Πλήρες κείμενο](#)

Συναφείς υποθέσεις

Δεν υπάρχουν αποτελέσματα

Νομική βιβλιογραφία

Δεν υπάρχουν αποτελέσματα

Αποτέλεσμα

The District Court considered the standards in place at the time when the defendant (producer) sold to the plaintiff (final seller) and held that the plaintiff failed to prove any liability of the producer, dismissing the action.