

## Case Details

### Case Details

National ID	495/2007/1
Member State	Malta
Common Name	Paul Fenech (459165m) Vs Joe u Tessie konjugi Camilleri
Decision type	Other
Decision date	21/02/2012
Court	Qorti ta' l-Appell (Appellate court)
Subject	
Plaintiff	
Defendant	
Keywords	

### Directive Articles

Consumer Sales and Guarantees Directive, [Article 2, 1.](#)

### Headnote

No Headnotes available.

### Facts

Plaintiff filed a lawsuit against defendants before the Small Claims Court [being the court of first instance] requesting payment for work done and material provided for wooden doors following an order placed with him by defendants, which work according to defendants was not done according to the required professional standards, and that the doors were different in colour from the sample originally shown to defendants.

The Small Claims Tribunal decided to uphold the claim of plaintiff and ordered the defendants to pay the sums claimed for the work done this on the basis that defendants failed to prove that the work in question was not done in accordance with what they had originally ordered.

### Legal issue

Consumers [being defendants in the first instance] appealed the decision of the Small Claims Tribunal before the Court of Appeal. Appellants argued that the Small Claims Tribunal failed to consider whether the work was in fact done in accordance with the required professional standards, appellants claiming that the doors were pieces of wood of different colour.

The Court of Appeal noted that the Small Claims Tribunal decided the case on the basis that appellants had seen the work before the doors were actually installed. The Court of Appeal referring to various court decisions noted that one is not exonerated from one's responsibility towards the quality of the work done even withstanding diligent control at the moment of verification, if it subsequently results that the work was not done properly.

The Court held that in this case what was important was to confirm if the work done was according to what was originally agreed to and in accordance with the required professional standards of work.- this irrespective of any initial approval of the work. The Court of Appeal determined that according to the evidence submitted it resulted that the work was not done according to the required professional standards and this since the colours of the wood used even in the same door were substantially different. The Court therefore decided to reverse the decision of the Small Claims Court and uphold the appeal.

	<b>Decision</b>
	Full text: <a href="#">Full text</a>
	<b>Related Cases</b>
	No results available
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	No results available
	<b>Result</b>

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