

Ġurisprudenza

Detalji tal-Każ

ID Nazzjonali: 12/2014

Stat Membru: Malta

Isem Komuni: Mercieca noe vs Camilleri noe

Tip ta' deċiżjoni: Deċiżjoni amministrattiva suġġetta għal appell

Data tad-Deċiżjoni: 29/07/2015

Qorti: Qorti tal-Appell (Ċivili, inferjuri)

Suġġett:

Rikorrent: Manuel Mercieca noe

Intimat: Piu Camilleri noe

Kliem Principali: consumer, immovable property, trader

Artikoli tad-Direttiva

Consumer Rights Directive, [Chapter 1, Article 2, \(1\)](#) Consumer Rights Directive, [Chapter 1, Article 2, \(2\)](#) Consumer Rights Directive, [Chapter 1, Article 3, 3., \(f\)](#)

Nota Introduttiva

(1) Consumer legislation applies when one party is a consumer and the other a trader; Directive 2011/83 (implemented into Maltese law by the Consumer Rights Regulations) expressly excludes contracts of sale of property from the remit of the law.

Fatti

Plaintiff represented the owners of apartments. The case was instituted to claim damages in relation to a damaged lift in the common parts of the apartment building. Defendant represented the company which had carried out works in the apartments buildings; the company had also sold the apartments to the various owners. Owners of the apartments were given a right of use of the lift in the contract of sale of the apartment. However, because of works still being carried out by defendant, the lift could not be used. It was also claimed that the lift was damaged when water entered the lift pit.

The Consumer Claims Tribunal found for plaintiff. Defendant appealed, arguing that the Tribunal had failed to take into account the preliminary plea regarding its competence. Defendant also pleaded that there was never a contract of sale of the lift, and that in any event Article 79 of the Consumer Affairs Act (which implements Article 5.2 of Directive 1999/44 into Maltese law) required that the seller be informed of a defect within two months.

Kwistjonijiet legali

(1) What is the scope of consumer legislation?

Deċiżjoni

The court found that the case did not fall within the competence of the Consumer Claims Tribunal and that the claim should have been brought in the civil courts.

URL: <http://www.justiceservices.gov.mt/courtservices/Judgements/search.aspx?func=all>

Test sħiħ: [Test sħiħ](#)

Każijiet Relatati

Ebda riżultat disponibbli

Letteratura Legali

Ebda riżultat disponibbli

Riżultat

Appeal was upheld and the decision revoked.