Dr Juergen Kurt Koehl

Vs

Maltapost plc
(C 22796)

CCT 115/23/CC

Today 29th April, 2025

The Tribunal;

Having seen the claim filed by plaintiff on the 26th June 2023, whereby he requested payment of €60 (sixty euros) being a refund of an amount paid by himself to respondent company relating to a service for redirection of postal articles, which service was not given by respondent company.

Having seen that respondent company duly notified on the 24th July 2023 with the Notice of Claim, and Notice of Appointment of Sitting submitted a reply, whereby *inter alia* a preliminary plea under Article 180 (1) (a) of Chapter 12 of the Laws of Malta was raised. On the merits, respondent company contested the claim filed by plaintiff.

Having seen the acts of the case.

Having heard claimant give evidence on oath during the sitting dated 3rd October 2023, and having heard Sean Dingli, head of Customer Care of respondent company give evidence on oath.

Considers;

That primarily, this Tribunal is to examine the preliminary plea under Article 180 (1) (a) of Chapter 12 of the Laws of Malta.

The said Article stipulates the following:

> *180. (1) Subject to the provisions of article 181, written pleadings may be filed -*
> *(a) personally by the party pleading in his own name, or by the person pleading in a representative capacity as the parent of the children placed*

under his paternal authority, or as the tutor, curator, administrator of the community of acquests, executor, head of a department or other public administrator, or as attorney on behalf of any church, community, hospital, or other pious institution or as administrator of property under litigation, or as partner or representative of a commercial firm, or as any of the persons mentioned in article 181A(2) in the case of a body having a distinct legal personality, or as agent or representative of any other lawful association, or as attorney on behalf of persons absent from the Island, either of Malta or Gozo, in which the written pleading is filed;

The Tribunal remarks that in the sitting dated 3rd October 2023, plaintiff filed the residence certificate issued by the Commissioner for Revenue, and such document confirms that plaintiff resides in Malta.

In the circumstances, the Tribunal is rejecting the preliminary plea raised by respondent company.

Considers;

It results that on the 27th July 2022 claimant submitted the form 'Redirection of Postal Articles' from his Mellieha address to a Germany address. The form was submitted on his behalf, and on behalf of his wife, Luisa Fabbrucci, for the period from 15th August 2022 until 20th January 2023. A payment of €60 (sixty euros) was affected by plaintiff for this service. Claimant explains that by the 30th August 2023, no correspondence was received to the Germany address, and hence a test letter was sent. The test letter was not redirected to the Germany address, but was delivered to Mellieha.

Subsequent to this incident, an email and telephone exchange followed between claimant and respondent company's representative. On 22nd September 2023, claimant attended in person at the Maltapost Mellieha branch, and cancelled the redirection postal service. Claimant explains that it was brought to his attention that the postcode was missing on the redirection form he submitted, something which he was not informed about, prior to that day.

Plaintiff further explains that in October 2023, two letters were delivered to the Germany address. Both letters had the postcode missing, hence, according to claimant, this was the reason why correspondence was not being redirected in the previous months.
On the 12th December 2023, Sean Dingli, head of Customer Care Maltapost plc gave evidence on oath. He explained that a redirection of postal service is carried out when a customer fills up the appropriate form, indicating the address and the

addressees as indicated by the customer. The names listed in the redirection form need to be identical to the names as know of the addressees, that is if a person is known by diverse names, all names and abbreviations need to be provided in the redirection form. If this detail is missing in the redirection form, post will not redirected.

The witness further explained that in the redirection form, section 4 needs to be filled up by businesses. Claimant filled section 1 of the form, omitting to fill section 4, relating to businesses, and operating under a trade name. If a postal article is addressed to the individual in representation of a company, in these circumstances, the said postal address is not redirected.

By the present proceedings, claimant is requesting this Tribunal to refund the amount of €60 (sixty euros) being amount paid by himself to respondent company relating to a service for redirection of postal articles, which service was not given by respondent company.

The Tribunal, having seen the acts of the case and the documentation filed by claimant, and by respondent company is of the opinion that the standard redirection form submitted by claimant contains clear, detailed and unequivocal instructions. The said instructions need to be adhered to by the person submitting the said redirection form. It transpires that claimant did not fill the form, according to the instructions. Moreover, claimant failed to produce any evidence that postal articles were lost.

Consequently and upon review and careful examination of the facts of this case, and also upon review of the documentation and acts of this proceedings, in line with Chapter 378 of the Laws of Malta, the Tribunal rejects the request filed by claimant.

The expenses of these proceedings are to be exclusively borne by the claimant.

C. Cherrett

Dr Charmaine Cherrett

Arbiter