Nkeiru Okpara

Vs

Nenik Ltd - Neil Grima

CCT 62/23/CC

Today, 12th March 2024

The Tribunal;

Having seen the claim filed by claimant on the 13th April 2023, whereby claimant requested the refund of €2,000 (two thousand euros) as deposit paid to respondent in respect to structural and remedial works to be carried out on a roof of an apartment block;

Having seen that respondent duly notified with the Notice of Claim, and Notice of Appointment of Sitting failed to submit a reply, even tough on the first sitting defendant requested an adjournment, and in the subsequent sitting defendant failed to appear, and failed to justify his state of *contumacia.*

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Having seen the acts of the case.

Having heard claimant give evidence on oath during the sittings of the 30th May 2023 and 18th July 2023.

Considers;

It results that in the summer of the 2022, claimant engaged respondent to carry out structural works on a roof of an apartment block situated at Luqa Street, Hal Tarxien. Claimant advanced to respondent two payments of €1,000 (one thousand euros) each, which payments were paid on the 15th June 2022, and on the 31st October 2022. Parties agreed verbally that the structural works had to be completed by the end of October 2022, or first week of November 2022.

It transpires that upon receiving the first payment, respondent carried out minimal works on the site in question, which works were not carried out diligently. Claimant brought to the attention of respondent that the works

carried out were not up to standard, and respondent informed her that the works will be remedied.

In October 2022 after receiving the second payment, respondent failed to contact claimant, and following various and numerous attempts, claimant could not establish contact with respondent. Respondent never visited the site in question after receiving the second payment from claimant.
In December 2022, claimant called respondent from a third party's telephone, and respondent answered the call. During this call, respondent assured claimant that he will continue the works. However, following a series of calls, respondent once again failed to answer claimant and never visited the site to continue the said works.

Consequently, claimant had to seek redress and filed these proceedings, requesting refund of the sum of €2,000 paid to respondent.

During the sitting scheduled for the evidence of the parties, respondent failed to appear, and failed to file a reply to the Notice of Claim. Consequently, claimant's evidence is not contradicted in any manner, and taking cognisance of the documents filed by claimant, Tribunal finds no reason not to embrace claimant's version.

Moreover Tribunal notes that the evidence presented by claimant is duly corroborated by documentation filed in the acts of these proceedings.

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 accedes to the request filed by claimant and condemns respondent to pay claimant the sum of €2,000 (two thousand euros).

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

Dr Charmaine Cherrett

Arbiter