Rima El Ghanemi

vs

Dr Jikang Ma

CCT 164/23/CC

Today 12th March, 2024

The Tribunal;

Having seen the claim filed by applicant Rima El Ghanemi on the 14th September 2023, whereby she requested this Tribunal to condemn respondent to pay the sum of €380 (three hundred and eighty euros) which amount represents the sum paid by applicant to respondent for a dental treatment carried out by the said respondent. Applicant further more contends that the said treatment resulted in further damage to her tooth, hence the request for the payment of the said sum.

Having seen that respondent duly notified with the notice of claim, filed a relative reply to the claim, whereby he contested the claim, and pointed out that the claim as filed is inaccurate and unfounded.

Having heard the parties testify on oath on the sitting dated 16th January 2024, whereby Tribunal conceded applicant a time frame within which she had to file any relevant documentation in sustain to her claim.

Having seen the minutes of the sitting dated 5th March 2024 whereby Tribunal was informed that applicant does not have any documentation to produce, and parties authorised the Tribunal to proceed with the delivery of a judgement.

Having seen the acts of these proceedings.

Considers

That applicant filed this claim requesting a payment of €380 (three hundred and eighty euros) from respondent, claiming that the dental treatment carried out by respondent caused damage to her tooth. Applicant was requested to produce any documentation in sustain to her claim, and was conceded a time frame within which such documentation is to be produced.

Applicant did not produce any documents, and did not produce any witness in sustain to her claim.

On the other hand, defendant filed the relative reply to the claim, and produced extensive documentation with the reply, in sustain to his reply.

The Tribunal took cognisance of the claim and reply, as confirmed on oath by parties, and examined the documents filed by respondent. Upon review of the said documents, the Tribunal is of the opinion that respondent has clearly and unequivocally presented his reply, whilst applicant has failed to produce the required evidence in corroboration to the claim filed by her. Moreover, applicant also failed to produce any proof regarding the amount being claimed by her.

Consequently, upon review and careful examination of the facts of this case, and upon review of the acts of these proceedings, the Tribunal in line with Chapter 378 of the Laws of Malta, dismisses the claim filed by applicant Rima El Ghanemi.

The expenses in respect of these proceedings are to be exclusively borne by applicant Rima El Ghanemi.

C. Cherrett

Dr Charmaine Cherrett

Arbiter