

Qodobka 540aad

Waa baaba'a heshiis kasta ee reebaya ama xadidaya lammaanadda dhibka ama ceebaha (la garanzia per le molestie o i vizi) haddii kireeyuhu uu ula kas u qariyey sababta.

Qodobka 541aad

Kireystaha waxaa ku waajib ah in uu sheyga la kireeyey ugu isticmaalo sidii uu heshiiska ahaa. Haddii aynan jirinna heshiis, waa in uu ugu isticmaalaa si waafaqsan dantii loogu tala-galay.

Qodobka 542 aad

1. Kireystaha kuma sameyn karo sheyga beddelaad. Hadduusan oggolaansho ka haysan kireeyaha, haddii wax dhibaato ah aynan uga immaaneynin kireeyaha.

2. Haddii isagoo gudbaya xadka waajibka kor ku xusan, uu kireystuhu beddelaad ku sameeyo sheyga, waa lagu khasbi karaa in uu sheyga ku soo celiyo sidiisii hore, iyo in uu bixiyo magdhaw khasaaro, haddii ay jirto.

Qodobka 543aad

1. Kireystaha wuxuu sheyga uu kireystay gelin karaa, biyaha, nalka korontada, gaaska, telefoonka, raadiyaha telefii-shinka iyo alaabada kale oo la midka ah iyadoo shardiga ku xiran uu yahay in sifaha gelinta uusan ka soo horjeedin ku dhacanka iyo in uu kireeyaha uusan caddeynin in alaabadaasi ay dhibayaan nabadgelyada ma-guurtada.

2. Haddii joogitaanka kireeyaha loo baahan yahay marka alaabta la gelinayo, kireystaha wuu codsan karaa joogitaankii isagoo ballanqaadaya inuu bixiyo wixii kharaj ah oo ku baxa kireeyaha (locattore).

Qodobka 544aad

1. Kireystaha waxaa ku waajib ah in uu ku isticmaalo sheyga uu kireystay, uuna ku xafido dadaalka qofka caadiga ah.
2. Wuxuu ka jawaabayaa halaabidda iyo dhumidda sheyga inta uu ku isticmaalayo oo aan ka imaanin ku isticmaalkiisa caadiga ah.

Qodobka 545 aad

1. Kireystaha wuxuu mas'uul ka yahay gubashada sheyga uu kireystay, hadduusan caddeynin in shilku ka imaanin sabab isaga lagu cedeyn karo.
2. Haddii dadka hal maguurto isla kireystay ay badan yihiin, dhammaantood waxay ka jawaabayaan gubashada iyadoo uu ku jiro kireeyaha (locatore) haddii uu la deggan yahay waxeyna uga jawaabayaan si u dhiganta qof walba inta uu deggan yahay haddaan la caddeynin in gubashada ay ka billaabantay qaybta u gaarka ah isticmaal midkooda, keligiis ayaa ka mas'uul ah.

Qodobka 546aad

Kireystaha waa in uu si dhaqsi ah ula socodsiiyaa kireeyaha dhammaan arrimaha dhan oo u baahan soo dhexgeliddiisa, sidia hagaajinta degdegga ah, soo ban bixid cecbaha (vizi), xoog kula degid, rabsho (molestic) iyo dhibaatada uu qof saddexaad u geysto sheyga la kireeyey.

Qodobka 547aal

1. Kireystaha waa inuu bixiyaa lacagta (corrispettivo) markii ay dhacdo muddada lagu heshiiyey, haddii uusan jirinna muddada dhaqanka maxalliga ah looga isticmaalo.
2. Haddii uusan jirin heshiis kale ama caado horjeeda, lacagta (correspettivo) waxaa lagu dhiibayaa meesha

uu deggan yahay kireystaha (Conduttore).

Qodobka 548aad

Bixinta hal qeyb (rata) ee lacagta kirada, waxey muujin u tahay in qeybihii ka horreeyey la bixiyey, haddii eynan jirin caddeyn ka soo horjeeda.

Qodobka 549aad

Haddii heshiis ka soo horjeeda uusan jirin, bixinta hormarinta ee lacagta kirada ama gudashadda lammaanado kale, qofka kireystay guri, maqaasiin, dukaan ama meel la mid ah ama mulkiyad miyiga ku taal, waa in uu geliyaa meesho alaabo guurto ah, badeeco, mira la goosto, xoolo, alaabta lagu dhaqmo ilaa qiimo kifaayo u ah in uu lammaaniyo bixinta lacagta kirada ilaa muddo 2 sano ah ama ilaa muddada kirada ay tahay oo dhan haddii ay muddadu labo sano ka yar tahay.

Qodobka 550aad

1. Kireeyaha «locatore» si uu u lammaanto deynta uu leeyahay ee ka timid kirada, wuxuu xaq u leeyahay in uu heysto «diritto di ritenzione» dhammaan alaabta guurtadda ah ee la xaraashi karo ee taal meelaha kirada loogu jiray «chi si trovano nei locali» haddii la dulsaaray xaqa hormarinta kireeyaha «privilegio del locatore» xataa haddii uusan lahayn kireystaha. Kireeyaha wuxuu is hortaagi karaa qaadidda alaabaha guurtada ah, haddii la qaadana xataa markii uu is hortaagay, ama isagoo aan ogeyn, wuxuu ka soo ceshan karaa haysadaha «puo rivendicarli al possessore» xataa haddii uu niyadsan yahay, iyagoo aan wax u dhimaynin xuquuqda haysadaha gacanta ku haayey.

2. Kireeyaha «locatore» ma isticmaali karo xaqa ceshasada ama haysashada «diritto di ritenzione o di rivendicazione» haddii alaabta guurtada ah loo qaaday laahidda xirfadda kireystaha ama sida waafaqsan caadada socota ama markii alaabta lagu dhaafay meelaha «locale» la isku

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qabtay ay ku filan yihiin in ay lammaaniyaan «garantivo» bixinta lacagta kirada oo idil.

Qodobka 551aad

Kireystaha waa in uu u celiyaa sheyga markii uu dhaco heshiiska kirada, haddii uu sii haysto si sharci darro ah, waa in uu siiyaa kireeyaha magdhaw lagu xisaabinayo qiimaha ijaarka sheyga, iyadoo loo fiirinayo khasaarada ka soo gaartay kireeyaha.

Qodobka 552aad

1. Kireystaha waa in uu sheyga ku soo celiyaa xaaladdii uu ku sugnaa markii loo dhiibayey, marka laga reebo dhummida iyo halaabidda uusan mas'uul ka ahayn.

2. Haddii waqtigii loo dhiibayey aan la qorin minguuris ama sifeyn lagu caddeynaayey xaaladda sheyga la kireeyey, waxaa loo qaadanayaa ilaa laga helo caddeyn ka soo horjeeda, in uu kireystaha kula wareegay xaalad fiican.

Qodobka 553aad

1. Haddii kireystaha uu ku kordhiyey dhisid ama tilaal geedo ama wanaajin kale ee siyaadisay qiimaha maguurtada, kireeyaha, haddii heshiis ka soo horjeeda uusan jirin, waa in uu waqtiga muddadaa kirada ay idlaato, u celiyaa kireystaha qiimaha kharajka uu galay ama siyaadada ku korodhay qiimaha guriga.

2. Haddii wanaajintaa la sameeyey iyadoo uusan ka war qabin kireeyaha «locatore» ama isagoo ka soo horjeeda, wuxuu codsan karaa in laga fujiyo waxa lagu kordhiyey «rimozione» iyo, haddii ay jirto, wuxuu ku dacweysan karaa kireystaha in uu siiyo magdhaw ah khasaarihii maguurtada ka soo gaartay fujintaas awgeed.

3. Haddii kireeyuhu uu doonayo in uu haysto wanaajintaas, isagoo celinaya labadii kharaj ee kor lagu sheegay midkood, Maxkamaddu waxey u qaban kartaa muddo uu ku bixiyo.

WAREEJINTA KIRADA IYO SII-KIREYNTA

Qodobka 554aad

Haddii heshiis ka soo horjeeda uusan jirin, kireystaha wuxuu xaq u leeyahay in uu wareejiyo kirada «cedere la locazione» ama in uu sii-kireeyo sheyga uu kireystay dhammaantiis ama barkiis.

Qodobka 555aad

1. Ka reebidda sii-kireynta sheyga la kireeyey wuxuu keenayaa in aan la wareejin karin kirada iyo sidaas si ka soo horjeeda «viceversa».

2. Hase yeeshee, haddii uu sheyga yahay maguurto ku taalo meel warshadeed ama ganacsiyeed isla markaana wareejinta meeshaas lagama maarmaan tahay, Maxkamadda, xataa haddii uu jiro shardi reebaya, waxey goyn kartaa wadidda kirada, haddii Iibsadaha uu dhiibo lammaanad kaafi ah, kireeyuhuna aynan gaareynin khasaaro dhab ah.

Qodobka 556aad

Haddii la wareejiyo kirada kireystuhu wuxuu sii ahaanayaa lammaane, fulinta waajibaadka qofka lagu wareejiyey «Cessionario».

Qodobka 557aad

1. Sii-kireystaha «subconduttore» waxaa si toos ah waajib ugu saaran yahay kireeyaha «locatore» ilaa qiimaha la rabo in uu siiyo kireystaha «conduttore» marka uu sidaa ugu digo kireeyaha.

2. Sii-kireystaha «subconduttore» kama hor istaako kireeyaha «locatore» lacagta uu u hormariyey kireysta-

ha «conduttore», haddii aan lacagtaas la bixin inta uusan u digin kireeyaha «locatore» sida waafaqsan dhaqanka ama heshiis la kala saxiixday markii sheyga la sii-kireynayey «momento della «sublocazione».

Qodobka 558aad

Kireystaha waxaa ka haraya lammaanadii uu u qaaday kireeyaha, haddii la wareejiyo heshiiska kirada iyo waajibadda ku xusan heshiiska asalka ee kirada haddii ay tahay sii-kireyn «sublocazione» :

1. Haddii kireeyuhu uu oggolaado wareejinta ama sii-kireynta.
2. Haddii uu isaga toos ahaan uga helayo, isagoon ka taxafudin «senza riserva» xuquuqda uu ku leeyahay kireystaha lacagta kirada «corrispettivo» qofka sheyga lagu wareejiyey ama laga sii-kireeyey.

DHAMMAADKA KIRADA

Qodobka 559aad

Kiraddu waxey dhammaanaysaa markii ay idlaato muddada ku xusan heshiiska iyadoo aan loo baahneyn digniin ka bixid.

Qodobka 560aad

1. Haddii marka ay dhammaato muddada kirada uu kireystaha sii wado ku intifaaca sheyga la kireeyey, kireeyuhuna uu ogyahay is hortaagna ka keenin, waxaa loo qaadanayaa in kirada lagu cusbooneysiisay shuruudahii hore, laakiinse mudda aan xadidneyn. Kirada sidatan lagu cusbooneysiisay waxaa lagu dabaqayaa sida ku xusan axkaanta qodobka 525.

2. Cusbooneysiintaas aamusnaanta ah, waxaa loo qaadanayaa heshiis cusub ee ma aha sii wadidda heshiiskii asliga ahaa. Hase yeeshee iyadoo aan lagu xadgudbin xeerarka ku

saabsan faafinta maguurtada, lammaanadda ceyneed «granzie reali» ee uu bixiyey kireystaha «conduttore» si uu u lammaaniyo kiradii hore, waxey lammaanad u sii noqonayaan kirada cusub Wixii ku saabsan lammaanad shaqsiyeed ama ceyneed «fideussione personale o reale» ma saameyneyso kirada cusub hadduusan oggoleen qofka wax damiinay «fideusore».

Qodobka 561aad

Haddii qof dhinacyadda ka mid ahi uu ogeysiiyo ka bixidda dhinaca kale, iyo haddii kireystaha uu sii wato ku intiifaaca sheyga kaddib markii ay idlaatay muddadii kirada, inkastoo la siiyey digniin, looma qaadanayo in ay jirto cusbooneysiin aamusnaan ku timid, haddii cynan jirin caddeyn ka soo horjeeda.

GEERIDA AMA AWOOD LA'AANTA

BIXINTA EE KIREYSTAHA

Qodobka 562aad

1. Kirada kuma idlaaneyso geerida kireeyaha iyo kireystaha toona.
2. Hase yeeshee, haddii uu geeriyoodo qofka wax kireystay, dadka dhaxaltooyadiisa leh waxey codsan karaan jibinta heshiiska haddii ay muujiyaan in kaddib geerida kireystaha, ay lacagta kirada aad ugu cuslaato' marka loo eego dakhligooda ama in ay kiradu dhaafsan tahay baahidooda. Markaas waa in la dhowraa ogeysiinta ka bixidda heshiiska ee lagu xusay qodobka 525, arjiga codsiga jibinta heshiiskana waa in la keenaa muddo ay 6 bilood ugu badan tahay gudaheed marka laga billaabo waqtiga uu geeriyooday kireestaha.

Qodobka 563

Haddii heshiiska kiradu uusan saameyn kireystaha hawshiisa iyo arrimo kale ee isaga khuseeya mooyee, dhaxaltooyadiisa ama kireeyaha waxey geeridiisa kaddib codsan karaan jibinta heshiiska.