



**CIVIL COURT
(Family Section)**

**The Hon. Mr Justice
ROBERT G. MANGION**

Today the 2nd, October 2018

Application no. 105/18 RGM

Case number on the list:

A B

Vs.

C D

The Court,

Having seen the application filed by the plaintiff, where he premised and made the following requests:-

That the parties were married in Malta on the 11th September 2009.

That the parties were legally separated by virtue of a public deed published by Notary Dr Rachel Mallia on the 14th April 2015 after being separated *de facto* since the 1st April 2014.

That there exists no reasonable prospect for reconciliation between the parties;

That no children were born during this marriage and according to the separation contract neither party is to pay the other any maintenance.

That these premised facts satisfy all the conditions required for the attainment of a divorce in terms of Article 66B of the Civil Code, Chapter 16 of the Laws of Malta;

Requests this Court to:-

1. Pronounce the dissolution of the marriage celebrated on the 11th September 2009.
2. Order the Registrar of Courts to notify the divorce of the parties to the Director of the Public Registry, within the period allowed by the Court for this purpose, so that the same shall be registered in the Public Registry.

Having seen that defendant, during the course of the hearing of the 26th June 2018 declared that she has taken cognisance of the application and that she has no objection to plaintiff's claims;

Having seen all the acts of this case, and

Having seen that the case was adjourned for judgement for today,

Makes the following considerations;

Plaintiff expressly premised in his application that his demand for the dissolution of the parties' marriage is based on the provisions of

Article 66B of the Civil Code, and he maintains further that in this case, all conditions required for granting a divorce have been satisfied.

The relevant provisions of Article 66B of Chapter 16 of the Laws of Malta stipulate the following:-

“Without prejudice to the following provisions of this article, divorce shall not be granted except upon a demand made jointly by the two spouses or by one of them against the other spouse, and unless the Court is satisfied that:

- (a) on the date of commencement of the divorce proceedings, the spouses shall have lived apart for a period of, or periods that amount to, at least four years out of the immediately preceding five years, or at least four years have lapsed from the date of legal separation; and*
- (b) there is no reasonable prospect of reconciliation between the spouses; and*
- (c) the spouses and all of their children are receiving adequate maintenance, where this is due, according to their particular circumstances, as provided in article 57:*

Provided that the spouses may, at any time, renounce their right to maintenance...”

The Court also deems the following provisions of Article 66D of the Civil Code to be relevant to this case:-

66D. *(1) Without prejudice to the other provisions of this Sub-Title, where an application for divorce is made by one of the spouses, it shall **not** be necessary for the spouse making the demand to impute to the other party any fault leading to the making of such demand.
...”*

The Court considers that the requisites of Article 66B have been fully satisfied.

Decide

For these reasons, the Court accedes to plaintiff's demands and consequently:-

1. Pronounces the dissolution of the marriage celebrated by the parties on the 11th September 2009.
2. Orders the Registrar of Courts to notify, at the expense of plaintiff, the divorce of the parties to the Director of the Public Registry, within the period of ten working days from the date this judgement becomes res judicata, so that the same shall be registered in the Public Registry.

Each party to bear his or her own costs.