

**CIVIL COURTS  
(FAMILY SECTION)**

**ONOR. MADAM JUSTICE**

**JACQUELINE PADOVANI GRIMA LL.D., LL.M. (IMLI)**

**Hearing of Friday 15th February 2019**

**App. No. : 489/2018 JPG**

**Case No. : 23**

**AD  
And  
LF**

**The Courts;**

Having seen the joint application of AD and LF, dated 31<sup>st</sup> October 2018, a fol 3 et seqq., wherein it was held:

*That they contracted their marriage on the seventh (7<sup>th</sup>) day of April of the year two thousand and twelve (2012) [Dok A];*

*That they are legally separated by means of a separation contract published in the acts of Notary Dr. Ann Marie Saywell dated the eight (8) day of March two thousand and seventeen (2017) [Dok B], but have however been de facto separated for more than four years and have never reconciled;*

*That was evident from the annexed document [Dok C] a child named F was born on the twentieth (20) of November two thousand and sixteen (2016), however the applicant AD is not the biological father of the said child and therefore no children were born from the aforementioned marriage;*

*That there is no reasonable prospect for reconciliation between the applicants and in fact not only have they been separated for many years but they have also been leading separate lives;*

*That they have no common assets between them;*

*That there is no pending maintenance;*

*That the above mentioned facts satisfy the necessary conditions for divorce as outlined in Article 66B of the Civil Code, Cap 16 of the Laws of Malta;*

*Therefore they requested this Honorable Court to:*

- 1. Pronounce the dissolution of marriage between the parties;*
- 2. Order the Court Registrar to inform the Director of the Public Registry, within the time frame so imposed by the Court, of the parties' divorce on order for the latter to be registered in the Public Registry.*

Having seen that the original application documents, the order and notice of hearing have been duly notified in accordance with law;

Having seen the exhibited documents and acts of the case;

Having seen Article 66A, 66B and 66C of Chapter 16 of the Laws of Malta;

**Considers;**

LF testified that she and AD got married on the 7<sup>th</sup> of April 2012 (Vide Dok A, pg 4). She explained that the parties have been living apart since February 2014, and obtained a personal separation on the 8<sup>th</sup> of March 2017 (Vide Dok B, pg 5 et seqq). She testified that no children were born from this marriage, since AD is not the biological father of her minor son F, and that no maintenance is payable to either party. She added that there is no hope for reconciliation between the parties. Furthermore proceedings were instituted with regards the paternity of her son F.

AD testified and confirmed and corroborated the testimony of LF.

**Considers;**

Having seen Article 66A and 66B of Chapter 16 of the Laws of Malta:

*66A. (1) Each of the spouses shall have the right to demand divorce or dissolution of the marriage as provided in this Sub-Title. It shall not be required that, prior to the demand of divorce, the spouses shall be separated from each other by means of a contract or a judgement.*

*[...]*

*66B.\* 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:*

*[...]*

**Deliberates;**

The Court notes that from the evidence adduced, the parties were married in Malta on the 7<sup>th</sup> of April 2012, and that their marriage broke down thereafter. Infact, the parties obtained a personal separation by means of a public deed in the acts of Notary Doctor Ann Marie Saywell, dated the 8<sup>h</sup> of March 2016.

The evidence shows that there are no pending dues relating to maintenance between the parties. It has also been proven that the parties have lived apart for more than four years and that there is no hope of reconciliation between the parties.

**For these reasons, the Court pronounces the dissolution of the marriage between the parties AD and LF by divorce and orders the Court Registrar to advise the Director of the Public Registry of the dissolution of the marriage between the parties so that this may registered in the Public Registry.**

**The expenses of these proceedings are to be borne equally by the parties.**

**Read.**

**Madam Justice Jacqueline Padovani Grima LL.D. LL.M. (IMLI)**

**Lorraine Dalli  
Deputy Registrar**