

**CIVIL COURT  
(FAMILY SECTION)**

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

**Hearing of Wednesday 16th April, 2019**

**App. No. : 477/2018 JPG**

**Case No. : 23**

**AC**

**And**

**NC**

**The Court,**

Having seen the joint sworn application of AC and NC, dated 26<sup>th</sup> October 2018, wherein it was held:

*That the parties were married on the twelfth (12<sup>th</sup>) of August of the year one thousand nine hundred and ninety-three (1993) in the Public Registry, Valletta.*

*That during their marriage the parties had two children, both of which are today of legal age and in employment;*

*That the parties had already legally separated by a contract enrolled in the acts of Notary Dr Eliza Falzon dated 10 March of the year two thousand and six (2006);*

*That there is no reasonable prospect for reconciliation between the parties;*

*That the parties have not lived together for a period of at least four years during the last five years and both have an entirely separate life from one another;*

*That the parties have agreed to be represented by a single legal counsel;*

*That the above facts fulfil all the necessary conditions for obtaining the divorce under Article 66B of Chapter 16 of the Laws of Malta;*

*The parties humbly request that this Honourable Court:*

- 1. Pronounces the divorce between the parties in terms of Article 66 of Chapter 16 of the Laws of Malta*
- 2. Orders the Court Registrar to notify the Director of the Public Registry to register the divorce in the Public Registry*

Having seen that the application and documents, the decree and notice of hearing have been duly notified according to law;

Having heard all the evidence on oath;

Having seen the exhibited documents and all the case acts;

Having seen the Articles 66A, 66B u 66C of Chapter 16 of laws of Malta;

**Considers;**

NC testified that the parties got married on the 12<sup>th</sup> of August 1993, and that from this marriage the parties had two children, who are both of legal age and in *full-time* employment. She explained that the parties separated by means of a public deed dated 10<sup>th</sup> March 2006, and that there are no maintenance arrears. She added that the parties have been living separately for more than four years and that there is no hope for a reconciliation between the parties.

AC testified and confirmed and corroborated the testimony of NC.

**Deliberates;**

*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 of 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:**

From the evidence produced, it results that the parties were married on the 12<sup>th</sup> August 1993, at the Public Registry, Valletta, Malta. The parties have two children from this marriage;

The record shows that the marriage broke down and the parties obtained a personal separation by means of a public deed in the acts of Notary Doctor Eliza Falzon, dated 10<sup>th</sup> March 2006. The parties testified that they have been living separately for at least four years.

Evidence was adduced to confirm that no maintenance is due since the parties had reciprocally renounced their right to claim and/or receive maintenance from each other, and that there is no prospect of reconciliation between the parties.

**For these reasons, the Court pronounces the dissolution of the marriage between the parties AC and NC 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 be registered in the Public Registry.**

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

**Read.**

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

**Lorraine Dalli  
Deputy Registrar**