



**FIL-QORTI CIVILI
(SEZZJONI TAL-FAMILJA)**

L-ONOR. IMHALLEF ANTHONY VELLA

Hearing held on the 9th April, 2019

Application Number: 96/19 AGV

**Joint application of AB and Dr. Lara
Dimitrijevic, as a special mandatory of
the absent CDE**

The Court,

Having seen the joint application filed on the 22nd of February, 2019 whereby the parties premised and requested as follows :-

1. That the applicant Dr. Lara Dimitrijevic was appointed as a special mandatory of the absent CDE and this by means of a special power of attorney, which is being hereby attached and marked as Doc. A. That in the

same power of attorney, she is authorised to appear on his behalf in any case of separation and divorce.

2. That the parties contracted their marriage on the 24th November, 2011 in Leeds, which marriage was registered in the Public Registry of Malta (see marriage certificate hereby attached and marked as Doc. B)
3. That there is no reasonable prospect of reconciliation between the spouses since apart from the fact that they have not lived as a married couple for the last 5 years and this from June of the year 2013, as is clear from the first clause of the separation contract, they are nowadays living a separate life from each other and have relationships with third parties.
4. That the parties have separated legally by means of a contract in the acts of the Notary Doctor Francesca Portelli dated 18th February, 2019 (see Dok. C attached).
5. That there are no arrears of maintenance due towards the minor child, whilst the parties have forfeited and renounced to receiving maintenance from each other and this according to clause 2 of the separation contract.
6. That these facts satisfy all conditions required for the attainment of divorce according to Article 66B of the Civil Code, Chapter 16 of the Laws of Malta.

That for these reasons, the parties humbly request this Honourable Court to:-

1. Order the divorce between the parties;

2. Order the Registrar of Courts to notify the divorce of the parties to the Director of Public Registry within the period allowed for this purpose by the same court, so that the same shall be registered in the Public Registry.

Having seen the applicant's affidavit whereby he confirmed all that he premised in his application.

Having examined Article 66 A and B of Chapter 16 of the Laws of Malta;

Having examined and seen all judicial acts and all documents exhibited;

Hereby considers;

The Court hereby declares that the parties have successfully managed to satisfy all the requisites required at law for their marriage to be dissolved and having also proved to the satisfaction of the Court that they separated consensually according to a contract in the deeds of Notary Dr. Sylvana Borg Caruana, on the 30th January, 2019, but they have been *de facto* separated for more than twenty years and thereby more than four years as required by law have elapsed.

The parties confirm that there exists no chance of reconciliation between them and moreover today they both lead separate lives.

They both confirm that there are no pending or arrears of maintenance dues,

For the abovementioned reasons, this Honourable Court declares and decides as follows:-

1. Confirms the applicant's requests and declares the divorce between the parties for the marriage in question in terms of Article 66A, after the prerequisites of Article 66B of Chapter 16 of the Laws of Malta, have been satisfied.

2. Orders the Registrar of Court within a period of ten days to notify the Director of Public Registry with the divorce decree of the parties, so the said divorce shall be registered within the Public Registry.

The term for the filing of an appeal from this judgment is being shortened to one (1) day.

No costs shall be subject to taxation.

Onor. Anthony Vella
Judge

Deputy Registrar

