

**CIVIL COURT  
(FAMILY SECTION)**

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

**Hearing of Friday 24th May, 2019**

**App. No. : 469/2018 JPG**

**Case No. : 20**

**AB  
vs  
MB**

**The Court,**

Having seen the sworn application of AB, dated 19<sup>th</sup> October 2018, a fol 1 et seqq., wherein it was held:

*That the parties entered into marriage on the sixth (6) of December two thousand and two (2002), as resulting from the Marriage Certificate attached herein and marked as Doc A, and from this marriage they had a daughter named S, who is nowadays fifteen years old;*

*The parties have been legally separated by a contract published by Notary Public Dr. Sam Abela on the tenth (10) of November two thousand and nine (2009), a copy of which is being attached herein marked as Doc B;*

*There is no reasonable prospect for reconciliation between the parties given that apart from having been separated for the past years, nowadays, they lead*

*an absolutely separate life from each other;*

*There is no outstanding maintenance due, and the act of separation is being seen in its entirety in terms of Articles 5 and 7(e) of the same act;*

*These facts mentioned here above satisfy all the conditions required to obtain a divorce as per Article 66B of Chapter 16 of the Laws of Malta;*

*Therefore, the present respectfully requests that this Honourable Court:*

- 1. Pronounce the dissolution of the marriage, existent between the parties;*
- 2. Order the Registrar of Courts to, within the deferred time stipulated by the same Court, notify the Director of the Public Registry of the divorce between the parties for this divorce to be registered in the Public Registry.*

Having seen that the application and documents, the decree and notice of hearing have been duly notified in accordance with 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;**

**MB** testified by means of an affidavit (Fol 25) that the parties were married on the 6<sup>th</sup> of December 2002, and one child was born to the parties of this marriage, who is still minor. He explained that the parties were legally separated by means of a contract published on the 10<sup>th</sup> of November 2002. He stated that there are no maintenance arrears. He confirmed that the parties have lived separate lives for over four years, and that there is no prospect of reconciliation.

**AB** testified (Fol 27 *et seqq*) and confirmed and corroborated the testimony given by defendant.

**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: [...]*

From the evidence adduced, it results that the parties were married on the 6<sup>th</sup> of December 2002 (Vide marriage certificate Doc. A at page 7). 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 Sam Abela, dated the 10<sup>th</sup> of November 2009 (Vide Doc. B at page 8 et seqq), which contract was duly authorised by the Court. From this marriage the parties had one child, who is still a minor, and the evidence adduced shows that there are no maintenance arrears.

The Courts notes that the parties have lived separate lives for more than four years, and that there is no prospect of reconciliation between the parties.

**Therefore it is this Court's considered opinion that all the necessary legal requests for the divorce concur.**

**For these reasons, the Court pronounces the dissolution of the marriage between the parties 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**