

**CIVIL COURTS
(FAMILY SECTION)**

MADAM JUSTICE

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

Hearing of Monday 28th October 2019

Application no. : 262/2019 JPG

Case no. : 22

**PG
And
WK**

The Court:

Having seen the sworn application filed by PG and WK, dated 6th June 2019, at page 1 et seqq., wherein it stated:

That they were married at W, United Kingdom on the twenty-seventh (27th) day of June of the year one thousand, nine hundred and ninety seven (1997) [a marriage certificate is hereto annexed marked DOC A];

That from this marriage their daughter, SG was born on the X;

That they separated in virtue of a contract published in the records of Notary Margaret Heywood of the thirty first (31st) day of August of the year two thousand and seventeen (2017) [a copy is hereto annexed and marked Doc B];

That the parties had been living apart from the beginning of March 2015 and therefore more than four (4) years have passed from the date of their de facto separation.

That the parties declare that all maintenance dues as agreed to in the contract of

separation have been paid punctually;

That therefore the parties satisfy all the legal requirements to be granted a divorce in terms of law.

That they wish to divorce and agree that their marriage is to be deemed dissolved.

Therefore, declarants humbly request this Honourable Court to:

- 1) Declare that the marriage of the parties is now dissolved;*
- 2) Carry out all proceedings in the English Language and to give the decree of the dissolution of the marriage in the English Language;*
- 3) Order the Registrar of Courts to, within the time period fixed by this Honourable Court, inform the Director of the Public Registry with the dissolution of the marriage of the parties, such that such dissolution is duly registered with the Public Registry, and this under all those conditions which this Honourable Court deems right and opportune.*

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

WK testified that the parties celebrated their marriage on the 27th of June 1997, and had one child that is S. She explained that the parties have been separated *de facto* since the beginning of March 2015, despite the fact that they signed their separation contract on the 31st of August 2017. She stated that maintenance had always been paid on a regular basis, and that there were no

maintenance arrears. She confirmed that the parties have lived separate lives for over four years, and that there is no prospect of reconciliation.

PG testified and confirmed and corroborated the testimony given by **K**.

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:[...]

The Court has seen that the parties were married in W, United Kingdom on the 27th June 1997, (vide Doc A, page 3) and from this marriage they had one child;

It results also that the marriage broke down and the parties obtained a personal separation by

means of a public deed in the acts of Notary Doctor Margaret Heywood dated the 31st of August 2017 (vide Dok B, page 4). From the testimony of the parties, it further results that the parties have been separated *de facto* since 2015, and therefore for longer than the four years required by law.

The record shows that there are no maintenance arrears. Furthermore, the Court finds that there is no hope of a reconciliation.

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 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**