



**CIVIL COURT  
(FAMILY SECTION)**

**MR. JUSTICE ANTHONY G. VELLA**

**Sitting of Wednesday 6<sup>th</sup> November 2019**

**Application number: 147/2019 AGV**

**ABC (Philippine Passport Number: EC 7503408)**

**Vs**

**Dr. Graziella Tanti and PL Jean Pierre Busutil appointed deputy curators  
to represent the absent DEF ( Philippine Pass Number holder PO 0171701A)**

The Court;

Having seen the application of ABC of 6<sup>th</sup> June 2019 that humbly submits and confirms on oath;

1. That the parties got married in the Republic of Philippines on the 10<sup>th</sup> November of the year two thousand and six (2006), as per copy of the marriage certificate which is hereby being exhibited, attached and marked as **Doc. 'A'**.

2. That from their marriage the parties had no children.
3. That following their wedding the parties never lived a marital life together, such that the applicant established herself in Malta in the year two thousand and fifteen (2015), while the respondent never came to Malta and indeed still resides in the Republic of Philippines.
4. That consequently no community of acquests was ever established between the parties in terms of article 1316(2) of the Laws of Malta, and additionally the parties never acquired any assets and/or contracted any liabilities together.
5. That the parties have been separated de facto for over twelve (12) years such that, as per above, they never resided together.
6. That there is no prospect or hope for reconciliation between the parties since besides the fact that they have been separated de facto for more than four (4) years, they are also living totally separate and independent lives with new family relations.
7. That there is no dispute between the parties in connection with any maintenance payment since both parties are in employment and financial independent from each other and they are hereby renouncing to their right to claim/receive maintenance from each other.
8. That the applicant has been living in Malta since the year two thousand and fifteen (2015) where she still has her ordinary residence, and as such meets all the necessary conditions in terms of article 66(N)(b) of Chapter 16 of the laws of Malta.

9. That the above-mentioned facts satisfy the criteria for the attainment of divorce in terms of article 66B of the Civil Code, Chapter 16 of the Laws of Malta.

10. That the applicant has been authorized to proceed with these judicial proceedings in virtue of a decree granted by this Honorable Court and dated 27<sup>th</sup> May 2019, a copy of which is hereby attached and marked as **Doc. 'B'**.

Consequently, the applicant humbly asks this Honorable Court to: -

1. Pronounce the marriage (divorce) between the parties; and
2. Order the Registrar of Courts to, within the time-frame granted by Court, notify the Director of the Public Registrar of the dissolution of the marriage (divorce) between the parties so that it be registered in the Public Registry

And this under such provisions that this Honorable Court deems fit and appropriate.

Having seen the reply filed by the curators appointed to represent DEF, stating that they were not aware of the facts of the case, and that they reserved the right to file additional replies or pleas when they would have succeeded in communicating with respondent.

Having seen the message sent by respondent to applicant, whereby he declared that he agreed with the divorce being granted.

Having seen all the other documents exhibited.

Having heard the parties' submissions.

**DECIDE;**

The Court, therefore, having seen that respondent has no objection to the granting of the divorce;

Upholds the application and grants the requests.

Declares the dissolution the marriage (divorce) between the parties; and

Orders the Registrar of Courts, within ten days from the date of judgment, to notify the Director of the Public Registrar of the dissolution of the marriage (divorce) between the parties so that it be registered in the Public Registry.

Without costs.

**Antonio G Vella**

**Judge**

**Concetta Gauci**

**Deputy Registrar**