

**CIVIL COURTS  
(FAMILY SECTION)**

**MADAM JUSTICE**

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

**Sitting of Friday 22nd November 2019**

**Application no. : 144/2019 JPG**

**Case no. : 25**

**AZA**

**And**

**DZ**

**The Court:**

Having seen the sworn joint application dated 22nd March 2019, filed by AZA and DZ at page 1 et seqq., wherein it stated:

1. *That the parties contracted their wedding on the twenty second (22) day of October on two thousand and three (2003) at the Marriage Registry in Valletta, as evidenced in the attached document marked as 'Dok A';*
2. *That from the marriage a child bearing the name of DAZA on the X;*
3. *That the parties have been de facto separated for more than four (4) years, before they contracted their separation contract hereby attached and marked as 'Dok B';*
4. *That the parties agree that they will continue maintaining and respecting the provisions agreed in the separation agreement until the minor child becomes a major;*
5. *That both parties are domiciled in Malta;*

6. *That there is no possibility of reconciliation between the parties and that from being de facto separated for more than four year, they lead a completely separate life;*

*The parties thus humbly request this Honorable Court, under any provisions as it deems appropriate;*

1. *To declare and pronounce the divorce between the parties and orders that a copy of the relative Decree is communicated to the Director of Public Registry in order for it to be registered according to Law.*

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;**

**AZA** testified that the parties celebrated their marriage on the 22<sup>nd</sup> of October 2003, and from this marriage one child was born to the parties, who is still minor. She explained that the parties have been separated *de facto* for more than five years, despite the fact that the signed their contract separation on the 12<sup>th</sup> of April 2018. She confirmed that there are no maintenance arrears and that there is no prospect of reconciliation between the parties.

**DZ** testified and confirmed and corroborated the testimony given by **AZA**.

**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 it results that the parties were married on the 22<sup>nd</sup> October 2003, vide Doc A, page 2) and from this marriage they had one child;

It results also that the marriage broke down and the parties were legally separated by means of a public deed in the acts of Notary Doctor Josef Masini Vento dated the 12<sup>th</sup> of June 2018 (vide Dok B, page 4). The record shows that the parties have been living separately for over five years.

From the testimony of the parties it has been established that there are no maintenance arrears, and that there is no hope of reconciliation between the parties.

**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**