



**CIVIL COURT
(FAMILY SECTION)**

MR. JUSTICE HON. ANTHONY VELLA

Sitting of Tuesday, 14th January 2020

Application number : 151/2019 AGV

ABC

Vs

DE

The Court:

Having seen the application of ABC of the 2nd April 2019 that respectfully declares;

1. That the parties got married on the 13th July 1999 and from this marriage two children were born FGE on the 5th April 2001 and who is still a minor and HIE that was born on the 16th June 2007, also a minor;
2. That the parties obtained personal separation by Court decree given by the Honorable Civil Court Family Section) dated 13th May 2014;

3. That the parties have been legally separated by contract in the acts of Notary Sam Abela dated 24th May 2014, as can be seen from the document attached and marked as Doc A;
4. That there are no pendency relating to the payment of maintenance from one party to another and this owing to the fact that the parties have renounced reciprocally to the right of obtaining the payment of maintenance;
5. That according to the same contract of personal separation, the defendant owes by way of maintenance for the minor children, the sum of five hundred Euros per month for each child and therefore the total of one thousand Euros per month, which amount increases every two years according to the index of inflation, which maintenance is to be paid according to the terms found in Article 3 B, Chapter 16 of the Laws of Malta. That despite, this the defendant has never made a payment in favor of the minor children;
6. That there is no reasonable prospect of reconciliation between the parties, since not only have they been separated for more than four years, but they lead totally sperate lives, independent form each other;

Therefore, the applicant respectfully asks this Honorable Court to;

1. Pronounce the divorce, and therefore the dissolution of marriage betwwen her parties.
2. Orders that the guarantee of maintenance as contemplated in Article 66 I Sub Article 3, Chapter 16 of the Laws of Malta is application in the way that this Honorable Court deems fit and necessary;
3. Order the Registrar of Courts so that within a short and peremptory time as established by tis Honorable Court, to warn the Director of the Public Registry with the dissolution of the marriage, of the parties, so that the relevant registrations and annotations are done in the relative civil acts of

the Public Registry in terms of Article 66 A (4) Chapter 16 of the Laws of Malta.

With costs and expenses against the defendant.

The Court having seen the reply of the defendant DE dated 15th October 2019, respectfully declares;

1. That there is a lack of jurisdiction as the parties married abroad in Singapore, therefore their marriage cannot be dissolved by a Maltese Court;
2. That without prejudice to the above, and in any case, it is inconceivable how the Director of Public Registry here in Malta would register this divorce, since the parties married in Singapore;
3. That without prejudice to the above, the plea, for the divorce does not subsist because the plaintiff is alleging that there is maintenance due to the respondent and therefore this runs counter to Article 66 B © of CXhapter16 of the Laws of Malta;
4. That without prejudice to the above, the said plaintiff did not in any at substantiate her allegation regarding maintenance but does not even indicate the alleged amount that according to her is due to the children and at the same time, requests the issue of a guarantee.
5. That in any case and always, without prejudice to the above, the request for the issue of a guarantee does not apply in the circumstances of the case, as can be proved during the course of these proceedings.
6. Save other defences.

Having seen the preliminary judgment given on 19 December 2019.

Having seen that respondent declared that he is in agreement with applicant's claim for maintenance arrears, according to the document filed in the acts of the proceedings.

Having seen that respondent was thus not objecting to the Court granting the divorce between the parties.

DECIDES

For these reasons the Court upholds the application;

1. Pronounces the divorce, and therefore the dissolution of marriage between the parties.
2. Orders that the payment of arrears in maintenance as agreed between the parties, in the sum of €52,287.07, be guaranteed by respondent as contemplated in Article 66 I Sub Article 3, Chapter 16 of the Laws of Malta.
3. Orders the Registrar of Courts to warn the Director of the Public Registry with the dissolution of the marriage of the parties, within ten days of this judgment, so that the relevant registrations and annotations are done in the relative civil acts of the Public Registry in terms of Article 66 A (4) of Chapter 16 of the Laws of Malta.

Without costs.

Term for appeal is being abbreviated to one day.

Judge Hon Anthony Vella

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