



**CIVIL COURT
(FAMILY COURT)**

JUDGE

**Hon. Abigail Lofaro LL.D., Dip. Stud. Rel.,
Mag. Jur. (Eur. Law)**

Today, the 10th of March 2020

Application No: 261/19 AL

A B

Vs

C D E and as per decree dated 5th March 2020, F G has been appointed to act as special attorney to represent C D E in these proceedings.

The Court;

Having seen the application by virtue of which applicant premised:

1. That the parties contracted married on the 22nd September of the year 2008 in Johannesburg, South Africa, as shown by the document herewith attached and marked Document "A";
2. That the parties did not have any children together;

3. That the parties obtained a personal separation in terms of a public deed dated 30th April 2019 following a decree of the Honourable Civil Court (Family Section) dated 29th March two thousand and nineteen (2019).
4. That the parties have been de facto separations since 31st December of the year two thousand and eight (2008).
5. That there is no reasonable prospect of a reconciliation between the parties since, apart from the fact that the parties have been separated for over four (4) years, they have totally separate and independent lives and whereas the applicant resides in Malta, the respondent residence outside Malta;
6. That there are no pending claims of arrears in maintenance between the parties, since the parties reciprocally renounced to the right to request and obtain maintenance from one another, as it results from clause number two (2).
7. That these facts are comprised in and satisfy the conditions and criteria contemplated in Article 66 of Chapter 16 of the Laws of Malta in order that the parties obtain a divorce;

Therefore, the exponent requests this Court:

1. To pronounce the divorce, or the termination of the marriage between the parties
2. To order the Registrar of Courts to inform the Director of Public Registry within a short and peremptory time period as may be

established by this Honourable Court of the termination of the marriage between the parties, so that the registration and annotation in the relative civil acts is carried out in the Public Registry in terms of Article 66A(4) of the Civil Code, Chapter 16 of the Laws of Malta.

Having noted that respondent presented, through his attorney, a special power of attorney whereby he appointed F G to act as his special attorney in these proceedings;

Having seen parties' affidavits duly sworn by them;

Having seen Section 66 B of Chapter 16 of the Laws of Malta;

Having seen all the acts of these proceedings;

Considers:

The Court considers that applicant has successfully satisfied all the requisites required by Law for the court to pronounce the divorce between the parties since she proved that parties have been *de facto* separated since the 31st December 2008 and legally separated since the 30th April 2019;

Having seen that the applicants also proved that there is no reasonable prospect that they can reconcile and that there is no maintenance due between the parties;

Therefore the Court accedes to the request, pronounces the divorce and orders the Registrar of Courts to inform the Director of the Public Registry

within ten days from the date of this judgement of the termination of marriage between the parties so that the registration and annotation in the relative civil acts is carried out in the Public Registry in terms of Article 66A(4) of the Civil Code, Chapter 16 of the Laws of Malta.

The Court orders that each party is to bear its own costs.

The Court reduces the term for appeal to four days.