

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of Friday 30th of October 2020**

**App. No. : 100/2020 JPG**

**Case no. : 30**

**MO**

**VS**

**LE and this by virtue of the  
decree dated 7<sup>th</sup> October 2020**

**The Court:**

Having seen the sworn application filed by **MO**, dated 8<sup>th</sup> October 2020, at page 22 et seqq., wherein it stated:

*That parties were married on the twenty second (22) of June of the year two thousand and twelve (2012) in the Civil Registry in I, T, marriage certificate is being exhibited and marked Doc A;*

*That parties divided and liquidated the community of acquests by means of a consensual separation entered into on the tenth (10) of December of the year two thousand and nineteen (2019) in the Acts of Doctor Notary James Grech, separation deed is being exhibited and marked Doc B;*

*That from the this marriage two children were born, who are still minors, ZO who*

*was born on X and SO who was born on Y.*

*That parties have been separated de facto since October of the year two thousand and fifteen (2015) as it results from page numbered one (1) of document B exhibited, thus the requirement in terms of Article 66 B (a) of Chapter 16 of the Laws of Malta subsists;*

*That the father contributes by means of maintenance towards the minors amount as results from Document B paragraph five (5) (vi) (n) and declares that there are no arrears;*

*That the possibility of reconciliation between the parties is not possible and thus Article 66 B of the Civil Code Chapter 16 of the Laws of Malta should subsist;*

*That the requirements at law should result to have been satisfied for the pronouncement of divorce between the parties in terms of law.*

*Parties thus request this Honorable Court to :*

- 1. Dissolve the marriage between the parties;*
- 2. Orders the Court Registrar to inform the Director of the Public Registry within the time frame as laid down with the dissolution of the parties' marriage so that it will be duly registered in the Public Registry.*

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;**

**LE** testified (vide page 25) that she married her husband on the 22<sup>nd</sup> June 2012 and that two children were born from this marriage. The marriage did not work out and the parties filed for a personal separation. From the date of de facto separation of the parties to the present day, there was no reconciliation, and there is no hope for this reconciliation. She also testified that the parties have been living separately since 2015. She further testified that there are no maintenance arrears.

**MO** testified (page 27) and confirmed and corroborated the testimony of his wife **LE**.

On the 7<sup>th</sup> October 2020 (page 20) the Plaintiff undertook to pay all the judicial expenses of these procedures.

**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:[...]***

### **Considers**

The Court notes that the parties were married on the twenty second (22) of June of the year two thousand and twelve (2012) in the Civil Registry in I,T , (vide Doc A, page 3) and from this marriage they had two children, who are still minors;

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 James Grech dated the 10<sup>th</sup> of December 2019 (vide Dok B, page 4). From the contract of personal separation (Dok B page 4), it further results that the parties had 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 by the Plaintiff.**

**Read.**

**Mdm. Justice Jacqueline Padovani Grima LL.D. LL.M. (IMLI)**

**Lorraine Dalli  
Deputy Registrar**