



**CIVIL COURT
(FAMILY SECTION)**

MR. JUSTICE ANTHONY G. VELLA

Sitting of Thursday 29th October 2020;

Application number 274/2020 AGV;

AB

Vs

CD (ID number: 0122538A)

The Court;

Having seen the application of AB dated 25th August 2020, wherein she premised the following;

1. That the parties got married in the 9th June 2014 at the Public Registry Valletta. Reference number: 1264/2014 as stated in the attached marriage certificate attached and marked Doc. A;
2. That both parties had one child from this marriage ED , born in the 27th July 2014, copy of the birth certificate attached and marked Doc B;

3. That both parties declare that they have been de facto separated for more the four years that is since the year 2016 as stated in the contract of personal separation published in the acts of Notary Matthew Agius (copy here of attached and marked Doc. C);
4. That in the year 2020 the applicant submitted a letter to initiate the mediation process, and subsequently the parties became legally separated by means of a contract drafted and published by notary Matthew Agius (Doc. C);
5. That there is no reasonable prospect of reconciliation between the parties;
6. That both parties have till the presentation of the judicial letter, honoured all their obligations which emanate from the contract of personal separation, namely even those appertaining to the maintenance of their child ED;
7. That no maintenance is due from the aforementioned contract of separation, that is no sum is due to the applicant from the said respondent;
8. That the aforementioned is confirmed from the applicants' affidavit (copy here of attached and marked Doc. D);
9. That all the above-mentioned facts satisfy all the conditions requested for the parties to obtain a divorce according to Article 66 A et seq. of the Civil Code, Chapter 16 of the Laws of Malta.

Accordingly, the applicant humbly requests this Honourable Court, subject to any other necessary declarations, as it reasonably requires to;

- a. Pronounce the divorce between the parties;
- b. Order the Court Registry to inform the Director of the Public registry with the stipulated time provided by this Court, regarding the divorce of the parties.

Costs equally divided by both parties.

The Court having seen the reply of CD, dated 24th September 2020 that pleads with respect and declares;

1. That while the defendant somewhat understand the English language be it declared that he does not understand the Maltese language and therefore it is appropriate that this Honourable Court orders, in terms of Chapter 189 of the Laws of Malta, that the present proceedings be conducted in the English language;
2. That the defendant confirm that the contents of the application promoter of these proceedings, have been explained to him and confirms that so far, that which was declared therein by AB is correct;
3. That the defendant also conform that insofar as the plaintiff continues to honour the conditions agreed to in the separation contact in the acts of Notary Matthew Agius dated 25th May 2020, and insofar as exponent is not order to pay costs to AB in these present proceedings then he has no objection to the request if AB for divorce;
4. That is what defendant has to declare at this stage;
5. Saving further defence pleas.

With costs and with plaintiff being summoned for purpose of reference to his oath.

Having seen all the acts of the proceedings and heard the parties' submissions.

DECIDE

For these reasons the Court upholds the application and pronounce their divorce;

Orders the Court Registrar that within ten days is to inform the Director of the Public registry with the parties' divorce, in order for the said divorce to be duly registered in the Public Registry.

No costs are to be borne by parties.

Term for leave to appeal is being abbreviated to one day.

Judge Hon. Anthony Vella

Cettina Gauci

Dep Reg