

**L CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 27th of April 2022

Application no. : 24/2022

Case no. : 27

RM

And

IH

The Court:

Having seen the joint sworn application filed by RM and IH dated 14th January 2022, at page 1 wherein it was held:

Whereas the parties were married in Malta on the 4th November 2017 and no children were born from this marriage.

Whereas the parties are legally separated by means of a deed of personal separation in the records of Notary Peter Fleri Soler dated 17th June 2021, as resulting from the deed of personal separation herewith attached and marked Dok. A;

Whereas there is no hope for reconciliation as the parties have been de facto separated from October 2020 and today they both lead completely separate lives;

Whereas there are no issues with regards to maintenance since both parties reciprocally renounced to this right, as resulting from article 4 of the aforementioned laid down in Article 66B of Chapter 16 of the Laws of Malta;

Thus both parties humbly request this Honorable Court to:

- 1. Dissolve the marriage contracted by the parties;*
- 2. Order the Registrar of Courts to inform the Director of the Public Registry of the dissolution of the parties' marriage, within a time-frame indicated by the said Court, so that such dissolution is registered in the Public Registry;*

Having seen that the application and documents, the decree and notice of hearing have been duly notified according to law;

Having seen the exhibited documents and all the case acts;

Having seen the Articles 66A, 66B u 66C of Chapter 16 of the Laws of Malta;

Considers:

RM testified (vide affidavit Dok RM1, at page 7) that the parties were married on the 4th of November 2017 and that from this marriage no children were born. He stated that this marriage broke down and they separated by virtue of a contract dated 17th of June 2021, in the acts of Notary Dr Peter Fleri Soler. Moreover, they were separated de facto as from October 2020. He declared that there is no prospect of reconciliation with his wife and that there are no pending maintenance arrears due.

IH testified (vide affidavit Dok IMH at page 8) and confirmed and corroborated with her husband's testimony.

Deliberates:

According to Law, it is confirmed in Articles 66A and 66B of Chapter 16 of the Laws of Malta:

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.

(omisis)

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) upon a demand made jointly by the two spouses, 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 6 months out of the preceding year: Provided that when the demand is made by one of the spouses against the other spouse, 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 one year out of the preceding two years; or***
- (b) on the date of commencement of the divorce proceedings, the spouses are separated by means of a contract or court judgment; and***
- (c) there is no reasonable prospect of reconciliation between the spouses; and***
- (d) 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: Provided further that for purposes of this paragraph, maintenance ordered by the court by a judgement of separation or agreed to between the spouses in a contract of separation, shall be deemed to be adequate maintenance:

Provided further that a divorce pronounced between spouses who were separated by a contract or by a judgement shall not bring about any change in what was ordered or agreed to between them, except for the effects of divorce resulting from the law.

Considers:

The Court has seen that the parties were married on the 4th of November 2017 (vide marriage certificate Dok MC at page 13, bearing progressive registration number 3407/2017) and no

children were born from this marriage.

The record shows that the marriage broke down and the parties obtained a personal separation by means of a public deed in the acts of Notary Dr. Peter Fleri Soler dated the 17th of June 2021 (vide Dok B, page 6 et seqq). Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

Furthermore, the Court finds that there is no reasonable prospect of a reconciliation between the parties.

For these reasons, the Court pronounces the dissolution of the marriage between the parties by divorce, which Marriage bears the0020Certificate Number 3407/2017 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 be noted in the Public Registry.

Costs shall be borne equally by the parties.

Read.

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

Christabelle Cassar

Deputy Registrar