

**FV CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 9th of November 2022

Application no.: 473/2022 JPG

Case no.: 24

**RG
And
SG**

The Court:

Having seen the sworn joint application filed by the parties dated 6th September 2022, at page 1, wherein it was held:

- 1. that the parties got married on the twenty-first day of July of the year two thousand and seventeen (21-07-2017) at the Public Registry, Valletta, Malta as evidenced in the extract of the Marriage certificate hereon attached and marked as “Doc RS1”;*
- 2. that from the marriage the parties had no children and in fact they separated de facto since the month of October of the year two thousand and eighteen (2018). From the day, the parties never reconciled;*
- 3. that in virtue of the deed published in the acts of Notary James Grech LL.D., on the 27th August, 2019 which deed is being hereon attached and marked as “Doc RS2”, the parties separated amicably and this after being duly authorised in virtue of a decree by this Honourable Court on the 1st August, 2019 (01-08-2019);*

4. *That the deed of personal separation made reference to the fact that the parties have been separated de facto since October of the year two thousand eighteen (2018);*
5. *That the conditions set forth for the pronouncement of divorce in terms of Article 66B of the Chapter 16 of the Laws of Malta are satisfied in that:*
 - i. *there is absolutely no reasonable prospect for the parties to reconcile;*
 - ii. *in terms of clause number four (4) of the above-mentioned deed of the separation, the parties renounced to their respective right to request maintenance from each other and henceforth no maintenance is due in this regard;*
 - iii. *from the marriage no children were born so no child maintenance is due;*
6. *That in terms of Article 66N(1)(a) and (b) it is declared that both parties are domiciled and resident in Malta;*
7. *That all the above is confirmed by RG and SG in their respective affidavits hereon attached and marked as “Doc RS” and “Doc RS4” respectively;*

On the strength of the above, the parties are respectfully requesting this Honourable Court, in terms of Article 66A of Chapter 16 of the Laws of Malta to:

- i. *Pronounce the dissolution of the marriage which happened on the twenty-first day of July of the year two thousand and seventeen (21-07-2017) in Valletta, Mela in terms of Article 66B of Chapter 16 of the Laws of Malta;*
- ii. *Order the Registrar of Courts, to notify the divorce of the parties to the Director of Public Registry within the period allowed for this purpose by this Honourable Court, so that the same shall be registered on the marriage certificate of the parties.”*

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

Having seen that the parties declared on the 1st of August 2022 that they have no further evidence to proffer or submissions to make and invited the Court to proceed to judgment (vide fol 14);

Having heard the evidence on oath;

Having seen the note filed by Plaintiff dated 26th of May 2022;

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:

RG testified by means of an affidavit (*vide affidavit Dok RS3*), and that the parties married on the 21st of July 2017 and that no children were born from this marriage. He added that the parties separated by virtue of a separation contract in the acts on Notary Dr James Grech dated the 27th of August 2019, but lived separately as from the year 2018. Furthermore, he declared that there is no reasonable prospect of a reconciliation and there are no maintenance issues.

SG testified (*vide affidavit Dok RS4*) confirmed and corroborated her husband's testimony.

Considers:

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.

Deliberates:

The Court has seen that the parties contracted their marriage on the 21st of July 2017, bearing marriage certificate number 2213/2017 (*vide* Dok RS1) and that no children were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they regulated their personal separation by means of a public deed in the acts of Notary Dr James Grech dated 27th of August 2019 (*vide* contract of separation Dok RS2). The Court observes that as indicated by the parties' in their respective testimonies, the parties are now leading separate lives and have renounced to their right to receive maintenance from one another.

Therefore, it is established that the parties have been separated in accordance with the time frame 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 the certificate number 2213/2017 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 registered in the Public Registry.

Costs shall be divided equally between the parties.

Read.

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

Christabelle Cassar

Deputy Registrar