

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of the 1<sup>st</sup> of February 2023**

**Application no.: 589/2022 JPG**

**Case no.: 17**

**MI  
And  
KP**

**The Court:**

Having seen the sworn Joint Application filed by the parties dated 9<sup>th</sup> November 2022, at page 1, translation in English at page 2, wherein it was held:

- 1. That they contracted their marriage on the sixth (6<sup>th</sup>) of June of the year two thousand and sixteen (2016) in the Public Registry of Malta, Valletta (marriage certificate herewith attached as Doc A) and from this marriage they did not have any children;*
- 2. That they are separated ex lege by a deed of separation dated the eighteenth (18<sup>th</sup>) day of July of the year two thousand and twenty-two (2002) in the Acts of Notary Dr. Francesca Cachia Zammit (herewith attached as Doc B)*
- 3. That there are no reasonable prospects of reconciliation between the spouses since they have been living separate and independent lives from each other since the first (1<sup>st</sup>) of June of the year two thousand and twenty-one (2021)*

4. *That the parties have no pending claims against each other;*
5. *That the facts abovementioned satisfy the requisites envisaged for acquiring divorce under Article 66B of Chapter 16 of the Laws of Malta;*
6. *That herewith is being attached the affidavit respectively drawn up by MI(Doc C) and KP (Dok D);*

*Therefore, due to the abovementioned reasons, the applicants respectfully requests that, without prejudice to any declarations which may be necessary and opportune, it should please this Honourable Court to:*

1. *Declare the dissolution of the marriage between the parties; and*
2. *Order the Registrar of the Courts to notify the Director of the Public Registry within the period allowed for this purpose by this same Honourable Court, so that the same shall be 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 note filed by both parties dated 9<sup>th</sup> of November 2022 wherein they declared that they had no further evidence to proffer or submissions to make and invited the Court to proceed to judgment (vide page 13);

Having heard 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:**

**MI** testified (*vide affidavit Dok C page 11*), that the parties were married on the 6<sup>th</sup> of June 2016, and that no children were born from this marriage. He added that the parties separated by virtue

of a separation contract in the acts of Notary Dr Francesca Cachia Zammit on the 18<sup>th</sup> of July 2022 and they have been living separately since June 2021. Furthermore he declared that there is no reasonable prospect of a reconciliation between the parties and that there are no pending maintenance issues.

**KP** testified (vide affidavit Dok D at page 12) and confirmed and corroborated her husband's evidence.

**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.*

*(omissis)*

*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 6<sup>th</sup> of June 2016, which marriage certificate bears the number 1395/2016 (*vide* marriage certificate Dok A at page 3). No children were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they obtained a personal separation by means of a public deed in the acts of Notary Dr. Francesca Cachia Zammit dated 18<sup>th</sup> of July 2022 (*vide* contract of separation Dok B at page 4 *et seqq*). The Court observes that as indicated by the parties' in their respective testimonies, the parties have been living apart for more than a year 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, with Marriage Certificate Number 1395/2016 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.**

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

**Lorraine Dalli  
Deputy Registrar**