

**CIVIL COURT  
(FAMILY SECTION)**

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

**Today 8th March 2023**

**App. No. : 613/2022 JPG**

**Case No. : 19**

**KN  
vs  
CN**

**The Court:**

Having seen the sworn Application of KN, dated 22<sup>nd</sup> November 2022, at page 1, wherein it was held that:

- 1. That she married CN in N on the twenty-eight (28) of December of the year two thousand and eleven (2011), which marriage was subsequently registered in L, certificate of marriage here attached and marked as Doc A;*
- 2. That from this marriage the parties had twin daughters by the name of AN and VN who were born on X, certificates of birth here attached and marked as Doc B and Doc C, and for which maintenance was always regularly paid according to the contract of separation hereunder mentioned,*
- 3. That the parties had separated by means of a contract of personal separation dated twenty-second (22) of August two thousand and twenty two (2022), a*

*copy of which is here being attached and marked as Doc D;*

4. *That there is no pending maintenance between the parties;*
5. *That according to the new amendments to the Civil Code done by Act XXV of two thousand and twenty one (2021), namely article 66N, the parties are separated by the contract above-mentioned, there is no reasonable prospect of reconciliation between them, and the minor child from this marriage is receiving adequate maintenance according to the contract of separation above mentioned, and therefore all the criteria required by law for the dissolution of marriage and divorce of the parties KN and CN according to article 66B of the Civil Code, Chapter 16 of the Laws of Malta exist;*
6. *An affidavit by KN is also being attached to this application marked as Doc E.*

*Therefore the plaintiff humbly requests this Honorable Court to :*

- I. *DECLARE the marriage of the parties KN and CN dissolved, and that consequently the parties are divorced for all the intents and purposes at law,*
- II. *ORDERS the Registrar of the Courts so that in the period required by this Court, notifies the Director of the Public Registry with the divorce of the parties, so that it is noted by the Public Registry.*

*And this under every other provision that this Honorable Court deems necessary and opportune in the circumstances.*

*With expenses divided by the parties in equal portions between them.*

Having seen that the application and this Court's decree were duly notified according to law;

Having seen that on the 15<sup>th</sup> of February 2023 Defendant appeared before this Court legally unassisted and declared that he was ready to give evidence in absence of his lawyer (vide page 25);

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:**

**KN** testified (*vide affidavit page 21*), that the parties were married on the 28<sup>th</sup> of December 2011, and from this marriage the parties had twin daughters. She testified that the parties separated by means of a contract of personal separation dated the 22<sup>nd</sup> of August 2022 in the acts of Notary Alicia Agius. Furthermore she declared that there is no reasonable prospect of a reconciliation between the parties and that there are no pending maintenance issues.

**CN** testified (*vide page 27*) and confirmed and corroborated Plaintiff's evidence. Furthermore he confirmed that the parties have been living separately since November 2021 and since that date there was no reconciliation between the parties.

**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 28<sup>th</sup> of December 2011, which marriage certificate bears the number AA Nr. 389763 and that twin daughters were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they obtained

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their personal separation by means of a public deed in the acts of Notary Dr. Alicia Agius dated 22<sup>nd</sup> of August 2022 (*vide* contract of separation at page 5 *et seqq*). Furthermore it transpires that the parties have been living separately since November 2021.

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 certificate bears the registration number AA Nr. 389763 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.**

**Senza tassa.**

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

**Christabelle Cassar**

**Deputy Registrar**