



**CIVIL COURT  
( FAMILY SECTION)**

**MR. JUSTICE HON. ANTHONY G. VELLA**

**Sitting of Thursday 9th March 2023**

**Application number ; 226/2022 AGV**

**AL**

**-vs-**

**Dr Josette Sultana and PL  
Silvana Vella as**

**Deputy curators to represent the  
absent**

**G C L , as per decree dated 29<sup>th</sup>  
November 2022**

**The Court;**

**Having seen Application of A.L , dated 14<sup>th</sup> October 2022;**

**Humbly submits and confirms on oath: -**

1. That the parties got married in the Republic of Philippines on the sixth (6<sup>th</sup>) of August of the year two thousand and seven (2007), as per copy of the marriage certificate which is hereby being exhibited, attached and marked as **Doc. 'A'**.
2. That two children were born from the parties' marriage, namely F N L and C G L, who are both still minors, as per birth certificates marked as **Doc 'B'** and **'C'** and reside in the Republic of the Philippines.
3. That the parties have been living apart since two thousand and sixteen (2016) and the respondent never came to Malta, such that there exists no community of acquests between the parties, and additionally the parties never acquired any assets or contracted any liabilities together.
4. That the applicant has been living in Malta for six (6) years namely since the year two thousand and sixteen (2016), as per document hereby attached and marked as **Doc 'D'**, such that the applicant satisfies the required conditions in terms of Article 66(N)(1)(b) of Chapter sixteen (16) of the Laws of Malta.
5. That there is no prospect or hope for reconciliation between the parties since besides the fact that they have been separated de facto for six (6) years, they are also living totally separate and independent lives.
6. That there is no dispute between the parties in connection with any maintenance payments.

7. That the above-mentioned facts satisfy the criteria for the attainment of divorce in terms of article 66B of the Civil Code, Chapter 16 of the Laws of Malta.
8. That the applicant has been authorized to proceed with these judicial proceedings in virtue of a decree granted by this Honorable Court, a copy of which is hereby attached and marked as **Doc. 'E'**.
9. That the applicant is hereby exhibiting his affidavit attached and marked as **Doc 'F'**.

Consequently, the applicant humbly asks this Honorable Court to: -

1. Pronounce the marriage (divorce) between the parties; and
2. Order the Registrar of Courts to, within the timeframe granted by Court, notify the Director of the Public Registrar of the dissolution of the marriage (divorce) between the parties so that it be registered in the Public Registry

And this under such provisions that this Honorable Court deems fit and appropriate.

Having seen the curators' reply filed in the Maltese language:

Rat ir-risposta ta' Dr Josette Sultana u PL Gerald Bonello, datata 16 ta' Jannar 2023 , illi f' dal-istadju l-esponenti mhux edotti mil-fatti u ghalhekk jirriservaw li jipprezentaw risposta fi stadju ulterjuri tal-proceduri jekk ikun il-kaz.

Salv eccezzjonijiet ulterjuri

**CONSIDERS:**

From the evidence submitted, it transpires that the parties have been living apart for a number of years. Although there is no maintenance order in place, plaintiff showed that he is affecting monthly instalments of around €800 to defendant, by way of child support. Moreover, it was not clear from the communication received from defendant whether she is objecting to plaintiff's request for divorce. Consequently, the Court is of the opinion that, based on the evidence produced by the parties, the demands made by plaintiff may be upheld.

**DECIDE:**

Now therefore, for these reasons, the Court:

UPHOLDS Plaintiff's demands.

Pronounces the dissolution of the marriage (divorce) between the parties;

Orders the Registrar of Courts to notify the Director of the Public Registry with the dissolution of the marriage (divorce) between the parties within ten (10) days of judgment, so that it may be registered in the Public Registry.

All costs to be borne by plaintiff.

**Hon Anthony G Vella**

**Judge**

**Cettina Gauci- DEP REG**