# CIVIL COURTS
## (FAMILY SECTION)

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

### Hearing of the 22nd of March 2023

**Application no.: 507/2022**

**Case no.: 21**

<div align="right">

**KB**

**And**

**TJ**

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## The Court,

Having seen the sworn joint application filed by KB and TJ dated the 22nd of September 2022, at page 1 (translation at page 6), wherein it was held:

1. *That the parties married on the 10th of December of the year two thousand and fourteen (2014) (vide Dok A) and from this marriage no children were born;*

2. *That the parties have no assets held in common between them;*

3. *That the parties have been de facto separated from January of the year two thousand and twenty two (2022);*

4. *That there is no reasonable prospect that the parties will reconcile since besides that they have been de facto separated since January 2022, they both are leading separate lives;*

5. *That both parties are independent from one another, in the sense that they both have their own employment and they are both renouncing from their right to receive*

*any maintenance from one another;*

6. *That therefore, there are no arrears related to maintenance;*

7. *That finally, the parties are declaring that they did not file for separation under Title I Subtitle III ;*

*That these above indicated facts satisfy all the necessary requisites for attaining divorce according to Article 66B of the Civil Code, Chapter 16, of the Laws of Malta;*

*Therefore, the parties humbly request this Honourable to:*

1. *Pronounce the dissolution of the marriage between the parties;*

2. *Orders the Registrar of Courts so that within the given period by the Court, informs the Director of the Public Registry with the dissolution of the marriage of the parties.*

*And this save any other order this Court may deem fit.*

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 counsel to parties, in terms of Article 66(G) (1), Chapter 16 of the Laws of Malta;

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:**

**KB testified by means of an affidavit (*vide affidavit at page 4*),** that the parties married on the 10th of December 2014, and that no children were born from this marriage. She affirmed that their

marriage broke up after the parties realised that they were incompatible. She testified that they both have an independent life and therefore there is no possibility of reconciliation. She declared that the parties do not pay any maintenance to one another, and that the parties had no assets between them.

**TJ testified by means of an affidavit (vide page 5)** and confirmed and corroborated his wife'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*

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*(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 10 December 2014 in Gablitz, Austria, which marriage bears certificate number 000133/2014, and that no children were born from this marriage.

From the acts of the case it transpires that the parties' have separated de jure by means of a public deed in the acts of Notary Ann Marie Agius dated 14th of February 2023 and have lived separately since January 2022 (vide Dok A at page 26)

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 000133/2014 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 divided equally between the parties.**

**Read.**

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

**Christabelle Cassar**

**Deputy Registrar**