

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of 1st June 2023**

**Application no. : 113/2023 JPG**

**Case no. : 23**

**AG**

**And**

**OG**

**The Court:**

Having seen the joint Application filed by the parties, 1<sup>st</sup> of March 2023, at page 1, wherein it was held:

- 1. That the parties were married in Malta in the Public Registry on the twenty (20) of April of the year two thousand and eighteen (2018).*
- 2. That the parties effected the personal separation through a contract of personal separation published in acts of the Notary Doctor James Grech on the sixteenth (16) of May of the year two thousand and twenty two (2022) (16.05.2022); true copy here attached and marked as Doc 'A'.*
- 3. That no children were born from this marriage.*
- 4. That the parties have not been living together since the beginning of May of the year two thousand and twenty (2020).*
- 5. That in view of the above the parties fulfill the criteria set by article 66B of the Civil Code, Chapter 16 of the Laws of Malta.*

*6. That there is no reasonable prospect for reconciliation between the parties;*

*7. That therefore they meet all the criteria required by law for the dissolution of marriage and for the divorce of the parties.*

*Therefore and in view of the above, the claimants humbly ask this Honorable Court to please:*

*1. Declare that their marriage celebrated on the twenty (20) of April of the year two thousand and eighteen (2018), dissolved and that the parties are divorced for all purposes and effects of the law;*

*2. Consequently it orders the Registrar of the Court to notify the Director of the Public Registry of the divorce of the parties, so that it is thus registered in the Public Registry.*

*And this under any other provision that this Honorable Court deems to be appropriate and opportune in the circumstances.*

*With costs charged in an equal share between the Parties.*

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

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:**

**AG** testified (vide affidavit at page 13) that the parties were married on the 20<sup>th</sup> of April 2018, and that from this marriage no children were born. He stated that this marriage broke down and

the parties separated by virtue of a contract of personal separation dated 16<sup>th</sup> of May 2022 in the acts of Notary Dr James Grech. He stated that the parties have been living separately since May 2020. He declared that there is no prospect for reconciliation with his wife. Moreover, he affirmed that there are no maintenance arrears due.

OG testified (vide page 14 et seq) and corroborated all evidence given by her husband.

**Deliberates:**

According to Law, it is confirmed in Articles 66A and 66B of Chapter 16 of 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.*

**Considers:**

The Court has seen that the parties were married on the 20<sup>th</sup> of April 2018, (vide page 11) which marriage bears certificate number 741/2018 and that no children were born from this marriage.

The record shows that the marriage broke down and the parties obtained a personal separation by means of a public deed in the acts of Notary Dr James Grech (vide Dok B, page 4 et seqq) dated 16<sup>th</sup> of May 2022, but had been living apart since May 2020. Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

The record shows that that there are no pending maintenance arrears.

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 741/2018 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)**

**Lorraine Dalli  
Deputy Registrar**