



**CIVIL COURT  
(FAMILY SECTION)**

**MR. JUSTICE ANTHONY G. VELLA**

**Sitting of Friday 23rd June 2023**

**APPLICATION number : 133/2023 AGV**

**VS**

**Vs**

**AZ**

The Court;

**Having seen the Application of VS dated 19<sup>th</sup> May 2023,**

**Respectfully submits that:**

1. The parties celebrated their marriage on the twenty third (23) of May (05) of the year two thousand and ten (2010) at Volos, Greece as it results from the Marriage Certificate here attached and identified as Doc A;
2. From this marriage the parties had a daughter, NS , who was born on the third of June of the year two thousand and eleven (2011) who is today an eleven (11) year old minor (Dok B)
3. In the year 2017, the parties together with her daughter established their residence in Malta where they have been living together for the past six (6) years,
4. The parties are not legally separated but have been de facto separated since the eighteenth of April of the year two thousand and nineteen (2019). Therefore, today the parties have not lived together for over four (4) years.
5. There is no reasonable prospect for reconciliation between the parties since apart from the fact that they have been apart for over four (4) years, today they have a totally separated life from each other.
6. With regard to the payment of maintenance of the applicant is fully complying to the decree given by this Honourable Court on the fourth (4) of December two thousand and twenty (2020) in the acts of Letter Number 244/2019 JPG (Dok C). Therefore, between the parties there does not exist any claim with regards to maintenance.

7. Even though the parties are not legally separated, Article 66A (1) of Chapter 16 of The Laws of Malta authorizes the dissolution of marriage and the pronouncement of divorce between the parties without the necessity that the same parties be legally separated from each other.
8. The parties underwent a process of mediation however they failed to reach an agreement,
9. By means of a decree dated twenty-eight March two thousand and twenty-three (2023) [in acts of Letter number 3542/22], this Honorable court authorized the applicant to proceed in this instance (Doc. D)
10. The facts as afore described satisfy the conditions required for the obtainment of divorce according to Article 66B of Chap 16 of The LAWS of Malta.

Therefore the applicant humbly requests this Honorable Court:-

1. Pronounce the dissolution of marriage existing between the parties according to article 66B of Chap. 16 of the Laws of Malta.
2. Orders the Court registry to inform the Director of Public Registry with the divorce of the parties so that this is registered in the Public Registry within the time prescribed for such by this Honorable Court.

**Having seen the Reply of AZ;**

**Humbly submits:-**

1. That the respondent confirms that the parties were married on the 23<sup>rd</sup> of May of the year two thousand and ten (2010) and from this marriage on the 3<sup>rd</sup> of June of the year two thousand and eleven (2011) a child was born, NS who today is twelve years;
2. That the respondent confirms that the parties have been de facto separated for more than four years;
3. That the respondent confirms that there is no longer prospect of reconciliation as both parties live an independent life from one another,
4. That the respondent confirms that there are no arrears of maintenance paid for her daughter N :
5. That the respondent objects for the costs of this case;

Having seen the joint note filed by the parties on the 22 June 2023, whereby they both confirmed their respective positions as regards the divorce claim and requested the Court to pass judgment accordingly.

**DECIDE:**

Now, therefore, the Court:

1. Pronounces the dissolution of marriage existing between the parties according to article 66B of Chapter 16 of the Laws of Malta.
2. Orders the Court registry to inform the Director of Public Registry with the divorce of the parties within ten (10) days, so that this is registered in the Public Registry.

**Without costs.**

**Term for leave to appeal abbreviated to one day.**

**Judge**

**Hon Anthony G Vella**

**Cettina Gauci- Dep Reg**