

**CIVIL COURTS
(FAMILY SECTION)**

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

Today 26th October 2023

Application no. : 318/2023 JPG

Case no. : 23

JS

And

**Dr John Axiaq on behalf
of MG**

The Court:

Having seen the Application filed by JS and MG dated 5th June 2023, at page 1 (translation at page 3), wherein it was held:

- 1. That the parties contracted marriage on the 27th October 2022 at the Copenhagen City Hall, in Copenhagen, Denmark. A copy of the marriage certificate is hereby being marked and attached as doc 'A'.*
- 2. That the marriage never worked, so much so that there were clear indications that the marriage would not work however the parties declare that they only proceeded with the marriage because all the wedding preparations were made.*
- 3. That indeed the parties never lived together as a married couple.*
- 4. That there is no prospect that the parties will reconcile so much so that the wife has left Malta and has no intention of returning while the husband does*

not wish to leave Malta and had established his habitual residence here Malta nearly two years ago.

- 5. That the parties formalized an agreement for separation on the 30th December 2022, by means of a public deed published in the acts of Notary Ann Marie Saywell, a copy of this deed is hereby marked and attached as doc 'B'.*
- 6. That these facts satisfy the conditions required for the attainment of divorce according to Article 66B of Chapter 16 of the laws of Malta.*

Therefore, the applicants humbly request that this Honourable Court to:

- 1. Pronounce the dissolution of the marriage that was celebrated on the 27th October 2022 between the parties;*
- 2. Upon acceding to the first request, orders the Registrar of Courts, in a time frame given by the same honourable Court, to inform the Director of Public Registry of the dissolution of the aforementioned marriage so the dissolution is registered in the Public Registry.*

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

Having seen the testimony 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:

JS testified (vide affidavit at page 26) that the parties were married on the 27th October 2022 at the C, D and that no children were born from this marriage. He stated that this marriage broke down and the parties separated by virtue of a contract of personal separation dated 30th December

2022 in the acts of Notary Ann Marie Saywell. He declared that there is no prospect for reconciliation with his wife. Moreover, he affirmed that there are no maintenance arrears due.

MG testified (vide affidavit at page 22) and corroborated all evidence given by her husband.

Deliberates:

Articles 66A and 66B of Chapter 16 of laws of Malta provide:

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 27th October 2022 (vide page 6) which marriage bears certificate number 24151/2022. 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 Ann Marie Saywell (vide, page 8 et seqq) dated 30th December 2022. 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 24151 of the year 2022 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.

Cost shall be divided between the parties.

Read.

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

**Lorraine Dalli
Deputy Registrar**