

**CIVIL COURT  
(FAMILY SECTION)**

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

**Hearing of the 1st November 2023**

**App. No. : 384/2023JPG**

**Number: 20**

**JA**

**Vs**

**AI**

**The Court,**

Having seen the application filed by JA, dated 7<sup>th</sup> July 2023, at page 1 et seqq., and English Translation at page 3, wherein it held:

- 1) *The parties got married on the nineteenth (19<sup>th</sup>) of June of the year two thousand and seventeen (2017) at Villa Arrigo, Naxxar, Malta (Dok A);*
- 2) *No children were born from the marriage of the parties;*
- 3) *The parties personally separated from each other by means of the public act dated twenty-eight (28<sup>th</sup>) of September of the year two thousand and twenty-two (2022) in acts of Notary Dr Kathleen Sare, which act was filed in the public registry on the fourth (4<sup>th</sup>) of October of the year two thousand and twenty-two (2022) (Dok B);*
- 4) *Therefore the parties have been living apart for more than a year and there is no reasonable prospect for their reconciliation;*

- 5) *That by mean of the clauses in page two (2) of the separation agreement mentioned above, the parties renounced their rights to received maintenance from each other, therefore, no maintenance is due between the parties;*
- 6) *Therefore, all requirements set out by Article 66B of Chapter 16 of the Laws of Malta are satisfied;*
- 7) *The applicant confirms all contents of this application on oath by means of the Affidavit marked as Dok C;*

*Therefore in view of the above facts the applicant humbly asks that this Honorable Court:*

- 1) *Pronounces the divorce, that is the dissolution of the marriage contracted between the parties;*
- 2) *Orders that the Court Registrar notifies the Director of the Public Registry in a term fixed by it, so that such divorce gets 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 reply of Defendant dated 9<sup>th</sup> October 2023 (Vide Fol 18 et seq) wherein she reiterated that she has no objection to the divorce being issued and that she fully accepts the dissolution of her marriage to Defendant.

Having seen the evidence on oath;

Having seen that the parties declared that they have no further evidence to adduce or submissions to make and invited the Court to proceed to judgement (Vide fol 20);

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:**

**Plaintiff** testified by means of an affidavit (*vide affidavit at page 5*), and held that parties were married on the 19<sup>th</sup> June 2017. No children were born from this marriage. He added that the parties separated by virtue of a separation contract in the acts on Notary Dr Kathleen Sare dated the 28<sup>th</sup> September 2022. Furthermore, he declared that there is no reasonable prospect of a reconciliation. Regarding maintenance, he declared that there are no pending maintenance issues.

**Defendant** testified on the 16<sup>th</sup> October 2023 (*vide fol 24 et seq*) and confirmed and corroborated her husband's evidence.

**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*
- (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 19<sup>th</sup> June 2017, bearing marriage certificate number 1752/2017 (*vide* marriage certificate at page 27). No children were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they regulated their personal separation by means of a public deed in the acts of Notary Dr

Kathleen Sare dated 28<sup>th</sup> September 2022 (*vide* contract of separation at page 8 *et seqq*).  
The Court observes that as indicated by the parties in their respective testimonies, the parties are now leading separate lives and there are no maintenance issues between them.

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 1752/2017 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.**

*Senza Tassa.*

**Read.**

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

**Lorraine Dalli  
Deputy Registrar**