

**CIVIL COURTS
(FAMILY SECTION)**

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

Today 8th November 2023

Application no. : 444/2023 JPG

Case no. : 21

**AC
And
JC**

The Court:

Having seen the joint application filed by AC and JC dated 8th August 2023, at page 1 (translation at page 3), wherein it was held:

That the parties celebrated their marriage in Valletta, Malta on the tenth day of September of the year ninety-six (10.09.1996) – marriage certificate hereby annexed and marked as Document A.

That from the marriage, the Parties have daughter HC, who today is no longer of a minor age – birth certificate hereby annexed and marked as Document B.

That the Parties are legally separated by virtue of deed of separation in the acts of Notary Dr Stefania Marmorato, which deed is dated the twenty-second (22) of March of the year two thousand and twenty-three (2023) as evidenced from the documentation here annexed and marked as Document C.

That the Parties live a separate life from each other and there is no reasonable prospect of reconciliation between them.

That there is no pending maintenance due between the Parties.

That therefore, all elements required by law for the pronouncement of divorce are duly satisfied.

Therefore, and in view of the above, the applicants humbly requests this Honourable Court to:

- 1. Pronounce the divorce of the parties; and*
- 2. Order the Registrar of Court to notify the Director of Public Registry with the pronouncement of divorce of the parties so that such will be duly 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:

AC and JC testified (vide affidavit at page 16) that the parties were married on the 10th of September 1996, in Valletta Malta and that a child was born from this marriage. They stated that this marriage broke down and the parties separated by virtue of a contract of personal separation dated 22nd of March 2023 in the acts of Notary Stefania Marmorato. They declared that there is no prospect for reconciliation. Moreover, they affirmed that there are no maintenance arrears due.

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 10 of September 1996 (vide page 5) which marriage bears certificate number 1545/1996 and that a child was born from this marriage, who is now of age.

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 Stefania Marmorato (vide, page 7 et seqq) dated 22nd March 2023. 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 1545/1996 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 between the parties.

Read.

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

**Christabelle Cassar
Deputy Registrar**