

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 8th April 2024

Application no. : 620/2023 JPG

Case no. : 18

**SE
Vs
MR**

The Court:

Having seen the Application filed by Plaintiff, dated 23rd November 2023, at page 1, wherein it was held:

That the contending parties got married on the 15th August 2015 as results from the attached marriage certificate (Doc A).

That subsequently the contending parties separated from one another by virtue of a contract of separation dated twenty seventh (27th) March of the year two thousand and twenty-three, (2023). (Doc B).

That there exists no possibility of reconciliation between the parties and there are no claims or pendencies in respect of maintenance.

That the claimant would like to obtain a divorce from the defendant.

Therefore, the claimant humbly requests the Court to pronounce the

dissolution of marriage between the contending parties in terms of Article 66A et seqq., of Chapter 16 of the Laws of Malta and any other conditions the Court may deem fit in the circumstances.

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

Having seen that Respondent appeared unassisted during the sitting scheduled for hearing and declared that she did not require legal assistance and she did not object to the divorce. (vide page 15).

Having heard the parties 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:

Plaintiff testified (vide fol 17) that the parties were married on the 15th August 2015, and from this marriage one child was born. He stated that this marriage broke down and the parties separated by virtue of a contract dated 27th of March 2023 in the acts of Notary Dr Nicholas Vella. He declared that there is no prospect of a reconciliation with his wife. Moreover, he stated that there are no pending maintenance arrears.

Defendant testified (vide fol 18 et seqq) and corroborated with 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 15th August 2015 which Marriage Certificate bears the number 2424/2015 (vide page 3) and a child was 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 Nicholas Vella on the 27th March 2023 (vide page 5 et seqq). Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

The record shows that there are no pending maintenance arrears.

Furthermore, the Court finds that there is no reasonable prospect of a4 reconciliation between the parties.

For these reasons, the Court pronounces the dissolution of the marriage between the parties by divorce, with Marriage Certificate Number 2424/2015 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.

Senza Tassa.

Read.

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

**Christabelle Cassar
Deputy Registrar**