

**CIVIL COURT
(FAMILY SECTION)**

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

Today 22nd April 2024

Sworn App. No. : 56/2024 JPG

Case No. : 22

BA And OB

Vs

X

The Court:

Having seen the joint application filed by the parties dated 5th February 2024, translation at Fol 3, wherein it held:

- 1. That the parties were married on the ninth (9) day of September of the year two thousand and twenty-two (2022) at the Public Registry of Malta, which marriage was registered with progressive number two, zero, nine, seven of the year two thousand and twenty-two (2097/2022) as is apparent from the marriage certificate annexed hereto and marked as 'Dok A';*
- 2. That from this marriage the parties have no children;*
- 3. That the conjugal life of the parties was no longer possible for valid reasons which according to Civil law gave rise to a personal separation, and the parties legally separated by a public deed in the acts of Notary Dr. Joseph Tabone on the fifth (5) of*

February of the year two thousand, and twenty-four (2024), a true copy of the deed is attached and marked as 'Doc B';

4. *That according to clause number one (1) of the separation contract, the parties declared that **they have been living apart since March of the year two thousand and twenty-three (2023)**, and have thus lived apart for a period of at least six months out of the preceding year, on the date of the commencement of the divorce proceedings, and therefore for a longer period than that required by law, notably **Article 66B (a) of the Civil Code, Chapter 16 of the Laws of Malta**, for obtaining a divorce;*
5. *That there is no reasonable prospect of reconciliation between them given that today they have a life which is totally separate from each other;*
6. *That according to the above-mentioned public deed the parties have no maintenance obligations towards each other due to mutual renunciation, and there are no pending lawsuits between them;*
7. *That in addition there is also no maintenance due for children since the parties have no children from this marriage;*
8. *That these aforesaid facts satisfy all the conditions necessary for obtaining a divorce in accordance with Article 66B of the Civil Code, Chapter 16 of the Laws of Malta;*
9. *That the parties also confirm on oath the content of this joint application;*
10. *That in view of the fact that the parties do not understand the Maltese language, but understand the English language, a translated copy of this application in English is being submitted so that the eventual decision given by this Honourable Court will be in the English language.*

The applicants therefore humbly request this Honourable Court to:

1. *Declare the dissolution of the marriage between the parties, as they have no further documents and evidence to present, nor do they have further submissions to make;*

2. *Order the Registrar of Courts to notify the Director of the Public Registry, within the time allowed by the same Court, of the dissolution of this marriage, so that it may be 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:

BA testified (vide affidavit at page 12) that the parties were married on the 9th September 2022. No children were born from this marriage. She stated that this marriage broke down and the parties separated by virtue of a contract dated 5th February 2024 in the acts of Notary Dr Joseph Tabone. However, she declared that they have been living apart from each other as from March 2023. Moreover, there is no prospect for reconciliation as they both lead separate lives. Moreover, she affirmed that there are no maintenance arrears due.

OB testified (vide affidavit at page 13) and corroborated all evidence given by the other party.

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:

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The Court has seen that the parties were married on the 9th September 2022 (vide page 12) which marriage bears the certificate number 2097/2022 (Vide Fol 4). 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 Dr Joseph Tabone (vide, page 13 et seqq) dated 5th February 2024. However, the parties declared that they have been living apart from one another as from 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 2097/2022 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 registered in the Public Registry.

Cost to be divided between the parties.

Read.

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

Christabelle Cassar

Deputy Registrar