

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of the 24th April 2024**

**Application no. : 76/2024 JPG**

**Case no. : 21**

**DG  
And  
TA**

**The Court:**

Having seen the application filed by the parties dated 13<sup>th</sup> February 2024, at page 1 wherein it was held:

*That the applicants got married on the twenty-seventh (27th) of May of the year two thousand and fourteen (2014) – (copy of the marriage certificate annexed herewith and marked as Doc 'A').*

*That the applicants separated legally from one another, by virtue of a separation contract in the acts of Notary Dr. Dorian Sciberras on the twentieth (20th) of July of the year two thousand and twenty-two (2022) (a copy of which is herewith annexed and marked as Doc 'B').*

*That from their marriage a son, XG, was born on X and a daughter, CG who was born on Y.*

*That the maintenance due for the children's needs as agreed in the contract of personal separation has always been paid, is currently being paid, and that there are no arrears in maintenance.*

*That the parties live separately from one another and there exists no prospect of reconciliation between the parties.*

*That the parties have renounced to their right to claim and / or receive maintenance from one another.*

*That therefore, there exist all elements for the obtainment of a divorce.*

*Thus, the applicants respectfully request that this Honourable Court pronounces the dissolution of the marriage between the parties and to order the Registrar of Courts to inform the Director of the Public Registry with the said dissolution of marriage of the parties within a period of time that shall be established for such purpose by this Court in order that this 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 examined the parties' 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:**

**DG** testified (vide affidavit fol 19 et seqq.) that the parties were married on the 27<sup>th</sup> of May 2014, and from this marriage two children were born. He stated that this marriage broke down and they separated by virtue of a contract of separation dated 20<sup>th</sup> of July 2022 in the acts of Notary Dr. Dorian Sciberras and they have been living completely separate lives ever since. He declared that there is no prospect for reconciliation with his wife. Moreover, he stated that there are no pending maintenance arrears due between them.

**TA** testified (vide affidavit fol 38 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 27<sup>th</sup> May 2014, which Marriage Certificate bears the number 1385/2014 (vide page 5) and two 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. Dorian Sciberras on the 20<sup>th</sup> of July 2022 (vide Fol 6 et seqq). 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 1385/2014 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**