

**CIVIL COURT  
(FAMILY SECTION)**

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

**Today 8th May 2024**

**Sworn App. No. : 654/2023 JPG**

**Case No. : 17**

**DB  
vs  
CB**

**The Court:**

Having seen the joint application filed by the parties dated 12<sup>th</sup> December 2023, wherein it held:

- 1. That the parties got married on the twelvth (12) of October of the year two thousand and thirteen (2013), certificate of marriage here attached and marked as Dok A;*
- 2. That from this marriage the parties had no children;*
- 3. That the parties were separated by means of a contract of personal separation dated sixth (6) of November two thousand and twenty three (2023), which copy is here attached and marked as Dok B;*
- 4. That there is no maintenance issues pending between the parties.*

5. *That DB wishes to revert to her maiden surname M by means of this divorce and not remain with her married surname B.*
6. *Therefore all the criteria according to law concur for the divorce of DB and CB to be granted according to Article 66B of the Civil Code, Chapter 16 of the Laws of Malta;*

*Therefore the applicants humbly request this Honourable Court to:*

- I. *DECLARE that the marriage of the applicants DB and CB is no longer in force and the parties are divorced for all intents and purposes according to law ;*
- II. *DECLARE that the surname of the applicant D does not remain B but becomes from today onwards M;*
- III. *ORDERS the Registrar of Courts so that in the allotted time given by the Court notifies the Director of Public Registry with the divorce of the parties so this is registered in the Public Registry.*

*And this under every other provision that this Honourable Court deems fit to provide in the circumstances.*

*With expenses divided by the parties in equal measure.*

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:**

**DB** testified (*vide affidavit page 14*), that the parties were married on the 12<sup>th</sup> of October 2013. No children were born from this marriage. She testified that the have been legally separated by means of a public deed in the acts of Notary Dr Alicia Agius dated the 6<sup>th</sup> November 2023.

Furthermore, she declared that there is no reasonable prospect of a reconciliation between the parties and that there are no pending maintenance issues and furthermore, she would like to revert to her maiden surname.

**CB** testified (*vide affidavit fol 15*) and confirmed and corroborated his wife'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.*

*(omissis)*

*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 12<sup>th</sup> of October 2013 which marriage bears the certificate number 2734/2013 (*vide* marriage certificate Dok A fol 7). No children were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they obtained their personal separation by means of a public deed in the acts of Notary Dr. Alicia Agius dated 6<sup>th</sup> November 2023 (*vide* contract of separation at page 4 *et seqq*). 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 2734/2013 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. Furthermore, the Court upholds DB's request to revert to her maiden surname 'M' and**

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**order the Director of Public Registry to take the necessary action.**

**Costs shall be equally divided between the parties.**

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

**Christabelle Cassar**

**Deputy Registrar**