

**CIVIL COURT
(FAMILY SECTION)**

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

Today 15th July 2024

Sworn App. No. : 165/2024 JPG

Case No. : 21

**VV
Vs
SV**

The Court:

Having seen the application filed by Plaintiff dated 4th April 2024, translation at page 1, wherein it held:

- 1. Whereas the parties married on the sixth day of June of the year two thousand and nine (06.06.2009) as results from the marriage certificate attached and marked "Document A";*
- 2. Whereas the parties have two children DV born on X and NV born on Y;*
- 3. Whereas the parties are legally separated by means of a personal contract of separation dated sixteenth March of the year two thousand and seventeen (16.03.2017) published in the acts of Notary Doctor Fabio Imbroll attached and marked "Document B";*

4. *Whereas the parties renounced according to law to the right to request maintenance from each other for their personal needs;*
5. *Whereas the obligation from maintenance for the minors is regulated according to the contract of personal separation referred to above and there are no arrears of maintenance and/or expenses incurred for the minors;*
6. *Whereas there does not exist any possibility of a reconciliation between them;*
7. *Whereas these facts above mentioned satisfy all the conditions required for the attainment of a divorce in accordance with Article 66B of the Civil Code, Chapter 16 of the Laws of Malta;*
8. *Therefore applicant humbly asks this Honorable Court;*
 - (i) *To pronounce the divorce between the parties;*
 - (ii) *To order the Registrar of Courts to notify the divorce of the parties to the Director of Public Registry within the period allowed for this purpose by the same Court, so that the same shall 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 that on the 24th of June 2024, Defendant appeared before this Court unassisted and having been informed of his legal rights, Defendant informed the Court that he does not require legal assistance and does not object to the divorce;

Having heard 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 the Laws of Malta;

Considers:

Plaintiff testified (vide affidavit at page 40) that the parties were married on the 6th of June 2009. Two children were born from this marriage, who are still minors. She stated that the marriage broke down and the parties separated by virtue of a contract of personal separation dated 16th of March 2017 in the acts of Notary Dr Fabio Imbroll. Moreover, there is no prospect for reconciliation as they both lead separate lives. Plaintiff affirmed that there are no maintenance arrears due.

Defendant testified and filed his affidavit (vide fol 42) and corroborated all evidence given by the other party.

Deliberates:

Articles 66A and 66B of Chapter 16 of the 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 6th of June 2009 (vide page 41) which marriage bears the certificate number 718/2009 (Vide Fol 5). Two children were born from this marriage who are still minors.

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 Fabio Imbroll (vide, page 5 et seqq) dated 16th of March 2017. 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

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the parties

For these reasons, the Court pronounces the dissolution of the marriage between the parties by divorce, which marriage bears the certificate number 718/2009 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