

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of 29th August 2024**

**Application no. : 242/2024JPG**

**Case no. : 26**

**JC  
Vs  
MC**

**The Court:**

Having seen the Application filed by Plaintiff, dated 13th May 2024, at page 1 (translation at page 14 or 15), wherein it was held:

*That the parties got married on 15<sup>th</sup> July of 1978 in Peterborough in the United Kingdom and that their marriage is registered in the acts of the Public Registry of Malta, as shown from the marriage certificate attached and marked as Dok A.*

*That from this marriage, two children were born, V and T who today have attained the age of majority and are independent of their parents, therefore no maintenance is due.*

*That the parties have been legally separated from each other for ten years. As a fact they have been legally separated be virtue of a deed published in the acts of Notary Doctor Maria Bonavia dated the 8<sup>th</sup> of August of the year 2014, which act is being attached and marked as Dok B.*

*That there is no reasonable prospect for reconciliation between the parties, as not only have they not lived together for more than ten years but they also started a separate life*

*from one another.*

*That the facts mentioned above satisfy all the conditions necessary for the granting of divorce according to Article 66B of the Civil Code, Chapter 16 of the Laws of Malta.*

*That the parties wish that divorce is pronounced between them.*

*Therefore, in view of the above, the applicants humbly and reverently plead to this honourable Court to:*

- 1) Declare and decide that the marriage between the parties celebrated on the 15<sup>th</sup> of July of the year 1978 is dissolved and therefore pronounce divorce between the parties.*
- 2) Order the Court Registry that upon a term fixed by this same Honourable Court, to notify the Director of the Public Registry with the dissolution of this marriage between these parties so that it becomes registered in the Public Registry, as well as to make the necessary corrections in the marriage certificate.*

*With the fees being equally split between the parties.*

Having seen the evidence given by means of sworn affidavit;

Having seen that Defendant appeared unassisted and the Court informed her of her legal rights. However Defendant declared that she does not require legal assistance and does not object to the divorce. (Vide Fol 18) Furthermore, having testified viva voce, she stated that she has no further evidence to adduce.

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 affidavit at page 14) that the parties got married on the 15<sup>th</sup> July 1978 in Peterborough in the United Kingdom and that their marriage was registered in Malta. Two children were born from this marriage. He stated that this marriage broke down and the parties separated by virtue of a contract of consensual personal separation

dated 8<sup>th</sup> August 2014 in the acts of Notary Dr Maria Bonavia. 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.

**Defendant testified viva voce (Fol 19)** and confirmed and corroborated the testimony of 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 15<sup>th</sup> July 1978, in England and this marriage was duly registered in Malta, bearing the Certificate Number 309/2016 (vide page 3). 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 Maria Bonavia on the 8<sup>th</sup> August 2014 (vide Fol 4 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 309/2016 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 noted in the Public Registry.**

**Senza tassa.**

**Read.**

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

**Christabelle Cassar**

**Deputy Registrar**