

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of the 29th August 2024**

**Application no. : 79/2024 JPG**

**Case no. : 27**

**KB  
And  
MB**

**The Court:**

Having seen the joint application filed by the parties dated 16<sup>th</sup> February 2024, at page 1 wherein it was held:

*THAT they contracted their marriage on the seventh (7th) day of January of the year two thousand and seventeen (2017) and their marriage was registered in the Public Registry of Malta (certificate herewith attached as Doc.A)*

*THAT from this marriage they have a child, E, born on the X.*

*THAT they separated ex lege by a deed dated the 9th day of February of the year two thousand and twenty-four (09/02/2024) in the Acts of Notary Dr. Roberta Bisazza (herewith attached as Dok. B);*

*THAT there is no reasonable prospect of reconciliation between the spouses;*

*THAT the parties have no pending claims against each other.*

*That the Wife would like to keep her married surname Chetcuti Bonavita.*

*THAT the requisites envisaged in the abovementioned Article 66B of the Civil Code are therefore all fulfilled;*

*THAT the parties are herewith attaching their affidavits marked as Doc. C and Doc. D.*

*THEREFORE the applicants are respectfully requesting this Honourable Court to order and authorize a request for the pronouncement of divorce between KB and MB and to declare the dissolution of their marriage as envisaged in terms of Article 66A et seq of the Civil Code and 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 heard 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:**

**KB** testified (vide affidavit fol 6 et seqq.) that the parties were married on the 7<sup>th</sup> January 2017, and from this marriage a child was born. He stated that this marriage broke down and they separated by virtue of a contract of personal separation dated 9<sup>th</sup> February 2024 in the acts of Notary Dr Roberta Bisazza. The parties have since been living completely separate lives. 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.

**MB** testified (vide affidavit fol 7 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 7<sup>th</sup> January 2017 which marriage bears the certificate number 49/2017 (vide page 9). A child was 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 Roberta Bisazza on the 9<sup>th</sup> of February 2024 (vide Fol 10 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 49/2017 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.**

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

**Read.**

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

**Christabelle Cassar**

**Deputy Registrar**