

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 30th of September 2024

Application no. : 282/2024 JPG

Case no. : 14

**PF
vs
MV**

The Court:

Having seen the application filed by Plaintiff filed by the parties dated 31st of May 2024, at page 1 wherein it was held:

- 1. That on the 22nd December 2003 the parties contracted marriage in Buenos Aires, Argentina (Doc. A);*
- 2. That on the 26th September 2022, the respondent left the matrimonial home and the couple have been de facto separated since then;*
- 3. That the parties legally separated on the 6th March 2024 by a deed of personal separation in the Acts of Notary Dr. Daniela Aquilina (Doc. B);*
- 4. That the parties have no children;*

5. That more than thirty (30) months have passed since the parties separated de facto and there is no reasonable prospect of reconciliation between the parties;

6. That there exist all the essential elements required by Law for the dissolution of the marriage and the divorce of the parties;

Therefore, the plaintiff requests with respect that this Honourable Court, declares that the marriage between PF with respondent MV is dissolved, and that the parties are divorced, and to order the Court Registrar to inform the Director of Public Registry with the divorce of the parties so that it may be registered at the Public Registry according to Law, as this Honourable Court deems fit and appropriate.

Having seen that the application and documents, the decree and notice of hearing have been duly notified according to law;

Having seen the reply filed by Defendant dated 22nd of July 2024, at page 75, wherein he stated that:

- 1. That he confirms that the parties have been de facto separated from the 26th September 2022;*
- 2. That he confirms that the parties legally separated by means of a public deed dated 6th March 2024 in the acts of Notary Dr. Daniela Aquilina;*
- 3. That the partes have no children;*
- 4. That on his part there is no pending maintenance due;*
- 5. That there is no reasonable prospect of reconciliation between the parties;*
- 6. That he does not oppose the requests made by Plaintiff.*

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;

Having seen that on the 29th of August 2024, counsel to parties declared that they have been living separately for the last two and a half years and they declared that they have no further evidence to adduce and invited the Court to proceed to judgment; (vide fol 16)

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 22nd of December 2003 in Buenos Aires which marriage was recorded under volume 1B of the marriage records section 1 of year 2003 under number 360, (vide page 8). No 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 Daniela Aquilina on the 6th of March 2024 (vide page dorso 4 et seqq). However, the parties have been separated de facto in excess of 30 months. 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 was recorded under volume 1B of the marriage records section 1 of year 2003 under number 360 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)

**Lorraine Dalli
Deputy Registrar**