

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of the 30th of September 2024**

**Application no. : 346/2024 JPG**

**Case no. : 16**

**AZ  
And  
NK  
Vs  
X**

**The Court:**

Having seen the joint application filed by the parties dated 10<sup>th</sup> July 2024, at page 1 wherein it was held:

- 1. That the contending spouses contracted marriage on the 16<sup>th</sup> of January 2018 (Document GG1) in Singapore which was registered in the Public Registry of Malta.*
- 2. That the aforementioned spouses have obtained a separation contract published by Notary Doctor Katrin Bartolo on the 12<sup>th</sup> of December 2023 (Document GG2) to satisfy the requirements set out in Article 66B (b) of the Chapter 16 of the Laws of Malta. For all intents and purposes it is also being declared that the parties have lived apart since October of the year 2022, and this as has also been declared by them in paragraph 5 of the said*

*contract;*

3. *That there is no reasonable prospect of reconciliation between the spouses thus satisfying the requirement indicated in Article 66B (c) of Chapter 16 of the Laws of Malta.*
4. *That, as evidenced by the mentioned separation contract, the spouses in their separation regularised, inter alia, their maintenance obligations by mutually renouncing their respective rights to claim maintenance from one another (Article 5 of the same contract).*
5. *That therefore the conditions envisaged in the aforementioned Article 66B of Chapter 16 are satisfied and in view of the fact that the spouses are separated through a separation contract.*

*Therefore, the parties with due respect, request this Honorable Court, in accordance with the provisions of Article 66B of Chapter 16, and before the hearing of the parties as envisaged in Article 66C of Chapter 16, to confirm that the conditions contemplated in the aforementioned Article 66B have been satisfied, to pronounce the divorce between the parties as contemplated in aforementioned Article 66C and orders the Registrar of Courts to notify the director of the Public Registry of the divorce of the parties for registration within the period specified in Article 66A(4) of the same Chapter.*

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:**

**AZ** testified (vide affidavit fol 22 et seqq.) that the parties were married on the 16<sup>th</sup> of January 2018 in Singapore, and no children were born from this marriage. He stated that this marriage broke down and they separated by virtue of a contract of personal separation dated 12<sup>th</sup> of December 2023 in the acts of Notary Dr Katrin Bartolo. The parties have been living completely separate lives as from October 2022. 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.

**NK** testified (vide affidavit fol 21 et seqq) and corroborated 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 16<sup>th</sup> January 2018 in Singapore which marriage was registered at Malta's Public Registry, bearing the certificate number 661/2019 (vide page 5 and also second page of separation deed). 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 Katrin Bartolo on the 12<sup>th</sup> of December 2023 (vide Fol 10 et seqq), but have been living separate lives since October 2022. 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 661/2019 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)**

**Lorraine Dalli  
Deputy Registrar**