

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of 30th September 2024

Application no. : 374/2024JPG

Case no. : 18

KC AND HA

Vs

X

The Court:

Having seen the joint Application filed by parties, dated 23 July 2024, at page 1 (translation at page 3 et seqq.), wherein it was held:

1. *That the Parties contracted the Act of Civil Union on the twentieth day of March of the year two thousand and seventeen (20/03/2017) at the Marriage Registry in Valletta, Malta and have no children;*
2. *That the parties have no assets held in common between them and they regulated their civil Union by virtue of a deed of a total separation of estates before Notary Dr. John Gambin dated 06/02/2017;*
3. *That the parties have been de facto separated from the year two thousand and nineteen (2019);*
4. *That there is no reasonable prospect that the parties will reconcile since besides that they have been de facto separated since the year 2019, they both are leading separate lives;*

5. *That both parties are independent from one another, in the sense that they both have their own employment and they are both renouncing from their right to receive any maintenance from one another;*
6. *That therefore, there are no arrears related to maintenance;*
7. *That finally, the parties are declaring that they did not file for separation under Title I Subtitle III;*

That these above indicated facts satisfy all the necessary requisites for attaining divorce according to Article 66B of the Civil Code, Chapter 16, of the Laws of Malta;

Therefore, the parties humbly request this Honourable to:

1. *Pronounce the dissolution of the marriage between the parties;*
2. *Orders the Registrar of Courts so that within the given period by the Court, informs the Director of the Public Registry with the dissolution of the marriage of the parties.*

And this save any other order this Court may deem fit.

Having seen the evidence given by means of sworn affidavit;

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:

KC testified (vide affidavit at page 5) that the parties got married on the 20th March 2017. No children were born from this marriage. He stated that this marriage broke down and they have been leading separate lives since 2019. Prior to marriage they entered a contract dated 6th February 2017 in the acts of Notary Dr John Gambin whereby they choice the regime of separation of assets. 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.

HA testified (Vide affidavit Fol 6) and confirmed and corroborated her husband's testimony.

Deliberates:

The parties have declared that they have not been legally separated either by a contract of consensual separation or by a final judgement.

Therefore, and in spite of the fact that they entered a deed for separation of assets prior to their marriage, the proper procedure to file for divorce has not been adhered to.

Therefore, the Court abstains from taking further cognisance of the demands.

Cost shall be equally divided between the parties.

Read.

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

Lorraine Dalli
Deputy Registrar