



**QORTI ĊIVILI
(SEZZJONI TAL-FAMILJA)**

IMĦALLEF

**Onor. Abigail Lofaro LL.D., Dip. Stud. Rel.,
Mag. Jur. (Eur. Law)**

Today 15th October, 2024

Sworn Application: 269/22AL

A B

vs.

**Dr Mario Caruana u P.L. Joeline Pace Ciscaldi appointed by a
decree of the 15th February, 2023 as deputy curators to represent
the absent C D E**

The Court

Having seen the sworn application dated 22nd December 2022¹ wherein
it stated:

¹ Fol. 1.

1. That the contending parties were in a relationship from which the minors F G E and H I E were born on the first (1st) day of July of the year two thousand and fifteen (2015) and the twenty-seventh (27th) day of September of the year two thousand and seventeen (2017) respectively; copies of their birth certificates are hereby attached and marked as **Document A** and **Document B**;

2. That the relationship between the parties broke down in an irreconcilable manner, and was terminated;

3. That the minor children are factually in the care and custody of the applicant mother, who has always taken care of all their needs;

4. That the applicant is the ideal candidate to be entrusted with the exclusive care and custody of the minor children;

5. That on the nineteenth (19th) day of April of the year two thousand and twenty-one (2021), this Honourable Court, by means of the Decree pendente lite (a copy of which is being hereby attached and marked as Document C), ordered the respondent to pay the applicant the monthly sum of four hundred Euros (€400) as maintenance to their minor children F G E and H I E, over and above the expenses for health and education of the same minor children, which the respondent failed to pay;

6. That on the eighth (8th) day of November of the year two thousand and twenty-two (2022), this Honourable Court, by means of Decree 1037/22 (a copy of which is being hereby attached and marked as Document D), declared the mediation between the contending parties closed, and authorised the applicant to proceed with a case within the terms imposed by Law;

7. That the respondent is currently absent from the Maltese Islands, as a result of which, another application for the appointment of Curators is being filed concurrently with the present sworn application so that the interests of the absentee respondent would be safeguarded in these procedures;

8. *That the applicant is hereby aware of these facts personally.*

Therefore, and in light of the above, the applicant humbly requests this Honourable Court to :-

1. *Trust and accord the care and custody of the minor children F G E and H I E exclusively to the applicant mother, so that every decision regarding health, education, upbringing, travelling, including the issuing or extension of the minors' passports, and in general every other decision regarding the minor children to be taken solely by the applicant mother alone without authorisation and/or consent from the respondent father, including and not limited to to be authorized to apply for the passport to be issued without the need of the signature of the father, and this for reasons solely attributable to the same respondent father, and this in the best interests of the minor children;*
2. *Order that the residence of the minor children F G E and H I E shall be with the applicant mother in Malta;*
3. *Accord the respondent access to the minor children in the event that the respondent father makes contact and/or returns back to Malta, and this subject to the best interests of the minor children;*
4. *Enforce the Decree pendente lite given on the nineteenth (19th) day of April of the year two thousand and twenty-one (2021), whereby this Honourable Court, ordered the respondent to pay the applicant the monthly sum of four hundred Euros (€400) as maintenance to their minor children F G E and H I E, over and above the expenses for health and education of the same minor children, while also providing the modalities of how this maintenance shall be augmented from time to time;*
5. *Order the respondent to pay any arrears in respect of accrued maintenance to date, as well as his share of expenses relating to scholastic fees and health of the minor children F G E and H I E.*

With the judicial costs against the defendant solicited to make submissions.

Having seen the Plaintiff's list of witnesses;

Having seen the decree dated 8th November 2022² by which the Court closed the mediation proceedings and authorised the parties to proceed with a Court Case;

Having seen a copy of the birth certificate of F G E;³

Having seen a copy of the birth certificate of H I E;⁴

Having seen the copy of the decree dated 19th April 2021⁵ whereby the Court awarded to Plaintiff the sum of four hundred Euro (€400) to be paid by Defendant to Plaintiff for the two daughters apart from ordering Defendant to share health and education expenses upon presentation of receipts;

Having seen the decree dated 15th February 2023⁶ whereby the Court appointed Dr Mario Caruana and P.L. Joeline Pace Ciscaldi as curators to represent Defendant who is absent from the Islands;

Having seen the sworn reply⁷ filed by the appointed curators whereby they submitted as follows:

- 1. That it is the Applicant who had the onus of proving and that is that by virtue of the proof submitted by her, she must convince this Honourable Court that the allegations made by her with regards to the Respondent are founded.*

- 2. That Respondents at this stage declare that they are not aware of the facts surrounding this case and therefore reserve their right to*

² Fol. 17.

³ Fol. 23.

⁴ Fol. 24.

⁵ Fol. 28.

⁶ Fol. 36.

⁷ Fol. 88.

submit ulterior pleas if they become aware of facts relating to this case.

Saving further pleas.

With expenses against the applicant who is as of now summoned for the reference of her oath.

Having seen the list of witnesses of the deputy curators;

Having seen the evidence brought forward by Plaintiff;

Having seen that during the sitting of the 12th July 2023⁸ the appointed curators informed the Court that they had tried communicating with Defendant who is away from the Islands, to no avail;

Having seen the Note of Submissions submitted by Plaintiff;⁹

Having seen the exhibited documents and all the case acts;

Having seen that the case was put off for judgement for today;¹⁰

Considered:

1. The present case

Plaintiff is requesting the Court to award her the care and custody of her two daughters after the relationship between Plaintiff and Defendant ended and Defendant left the Island. She requests the Court to grant visitation rights to the Defendant and to order him to pay maintenance in accordance with the decree of the 19th April 2021.

The Curators appointed to represent the absent Defendant did not manage to make contact with him and did not present any evidence,

⁸ Fol. 109.

⁹ Fol. 110.

¹⁰ Sitting of 6th February 2024 a. fol. 118.

with the result that the Court does not have the version of facts from Defendant.

Evidence

Plaintiff testifies by means of an affidavit lodged via a Note in the Acts, dated 9th March 2023.¹¹ Plaintiff declares that she met Defendant when he was in Malta and she was living in the UK around the year 2013.

They started a relationship and Defendant moved to the UK where they lived with their respective parents close to each other. In 2014 they decided to move to Malta when she was nineteen (19) years old. Plaintiff says that Defendant convinced her that he was serious about their relationship. At first, she wasn't working and Defendant told her that he will provide for her while she stays at home doing all the housework. They were renting a place in Mellieha and did not have kids at the time. She then started working and in September 2014 they were engaged. She says that before he proposed, he was already acting abusively towards her, both physically and psychologically. She mentions that once he got so jealous because she was speaking to a tourist that he beat her and kicked her when she went back to the apartment.

After the engagement she says that she fell pregnant and she says that he finally agreed to go back to the UK where they stayed till October 2016 when their daughter F was born. In December of the same year, they went back to the UK, living with his parents. Plaintiff says that she was on very good terms with his parents but that from his end Defendant did not get along with his mother. He was adopted when he was a child and she says that eventually he started having a problem with women in general.

She mentions an incident where she got bitten by Defendant's dog and she says her father believes Defendant had set the dog on her. Later they went to the pub and he did not let Plaintiff speak to anyone. She left and went home and he followed her in the dark with an angry

¹¹ Fol. 80.

expression on his face. She let him pass before her and when he arrived home he locked the door and when he eventually opened he tried to strangle her. She started shouting and everyone woke up and his father tried to stop him. With the commotion the dog bit her and she dragged herself across the road to try and hide behind a parked car. Defendant was so angry that he started beating his mother until she was unrecognisable. The police came on site after his Dad called them and Plaintiff and Defendant's mother had to go to hospital. She says that Defendant was subjected to a restraining order and a court judgement. This incident was traumatic for all.

Plaintiff continues that she wonders why she got back with Defendant but that she didn't want to be a single mother and did not want a broken family. She mentions another incident around Christmas when Defendant hit her so hard that she ended up with a broken nose and that he got a suspended sentence for it. They came to Malta and were living back in the same apartment where they slept separately and she told everyone it was over. She says she couldn't afford rent on her own and by time they started working on their relationship for the sake of the children.

She mentions another incident when they were on a date night in a hotel and Defendant wanted her to go in the hot tub after dinner. It was November 2018 and it was cold outside and she didn't want to. He had been drinking and on the way home that night he grabbed the back of her head and slammed her forehead onto the gear lever which resulted in a large bruise and bleeding. She says that she still has the scar till today. Another incident revolved around a girl friend whom he said was better than Plaintiff in bed and when Plaintiff showed him she didn't care he started beating her up and took her phone and passport while she went out of the apartment and starting knocking on doors for help.

The parties eventually broke it off and in January 2020 they started living separately. However she mentions that there was another incident when he was over at her place to take care of the kids, when she locked her bedroom door for him not to go through her things and he got so angry that he threw her on the floor and she thought that he had broken

her collar bone and she was in a lot of pain and could barely lift her daughter.

She states that with the children he was calmer and that they used to have fun with him but that he used to get annoyed babysitting after a night drinking and that is when he would have no idea even whether he fed them or not. Plaintiff says that Defendant never contributed financially towards the children even after the court decree and when the children were with him he didn't take them to school. He left the Islands around September 2022 and he did not see the children a good few weeks before that.

Around November 2022, he contacted her to tell her that his friend had things that he left behind belonging to the children but after that he stopped all contact and stopped answering her emails. She states that he rarely answers his daughter when she tries contacting him on *Snapchat* and that he even lost contact with his parents and his eldest daughter says that she does not want any contact with him.

Plaintiff also presents a Note in the Acts dated 22nd March 2023¹² whereby she presents a number of documents as follows:

Doc SM02 – Incident of November 2018 when Defendant got very angry because Plaintiff didn't want to go into a hot tub at Radisson Golden Sands Hotel.

Doc SM03 - Photos after being hit by the Defendant on the 30th December 2018 because she did want to stay awake and speak to him. Plaintiff ended up in hospital with several nose fractures.

Doc SM04 - A copy of the judgement delivered by the Court in Liverpool whereby Defendant was sentenced to 26 weeks imprisonment which were suspended for 2 years.

¹² Fol. 93.

Doc SM05 - Certificate issued by the Mosta Health Centre regarding injuries sustained by Plaintiff.

Doc SM06 - Copy of a police report filed on the 8th May 2019. The Parties did not attend any criminal proceedings.

Doc SM07 - Abusive communication sent to Plaintiff.

Plaintiff also gave information on the last contact number and email address of Defendant.

2. Legal Principles applicable to the case

The Courts have time and again pronounced themselves on the subject of care and custody in cases where the parents part ways following a relationship. Every decision the Courts take in these situations centres around the best interests of the child.

In the case **Sylvia Melfi vs Philip Vassallo**¹³ the Court of Appeal stated: *“In this case the court must do what is the sole interest of the minor child. In its decision whether the care and custody of the child should be given to one parent or the other the Court must solely be guided by what is most beneficial to the child...”*

Maltese law states as follows in Article 7 of the Civil Code:¹⁴

“(1) Parents are bound to look after, maintain, instruct and educate their children in the manner laid down in article 3B of this Code.”

In turn Article 3B states:

“(1) Marriage imposes on both spouses the obligation to look after, maintain, instruct and educate the children of the marriage taking into account the abilities, natural inclinations and aspirations of the children.”

¹³ Decided by the Court of Appeal on the 25th November 1998.

¹⁴ Chapter 16 of the Laws of Malta.

Clearly therefore these obligations apply both the married and unmarried parents and the law seeks to provide for both situations, underlining the importance of these obligations in and out of marriage.

When the parents break up and are no longer in a relationship the Court has to decide whether to award care and custody of minors involved to the parents jointly or to one of the parents exclusively. The Courts appreciate and give importance to the parents' rights and to the importance of both parents being present in the life of their children, however in situations where one of the parents is not carrying out the stated duties and is of more harm to the child than of example and help, then the Court needs to evaluate the possibility of awarding care and custody to the other parent. The Courts have time and again stated that when the parents are not on speaking terms for one reason or another, joint care and custody is impossible in practical terms.

In the case **Scott Schembri vs Dorianne Polidano**¹⁵ the Court said *“In tema legali issir riferenza ghas-sentenza moghtija fit-3 ta’ Ottubru 2008 fl-ismijiet Miriam Cauchi vs Francis Gauci fejn il-Qorti tal-Appell iddikjarat illi fejn il-genituri ma jtkellmux talba ghall-kustodja kongunta ghandha tigi skartata mill-Qorti. Din il-Qorti filwaqt li tiddikjara li taqbel ma’ tali pronunzjament izzid illi l-istess principju japplika fejn iz-zewg genituri m’humieq kapaci jtkellmu b’mod civili ma’ xulxin li l-kura u kustodja ma ghandhiex tkun kongunta ghaliex immankabilment tkun sors ta’ litigji ulterjuri b’detriment serju ghall-benessere tal-minuri.”*

The same Court of Appeal continues by pronouncing itself on the visitation rights saying that: *“Din il-Qorti tibda biex taghmlha cara li, fejn jidhlu minuri, m’hemmx dritt ghall-access, izda l-obbligu tal-genituri li t-tnejn jikkontribwixxu ghall-izvilupp tal-minuri li, ghal dan il-ghan, jehtiegilha jkollha kuntatt ma’ omma u anke ma’ missierha. Kwindi lil min jigi fdat bil-kura tal-minuri u kif jigi provdut l-access, jiddependi mill-htiegijiet tat-tifla u mhux mill-interess tal-genituri. Huma il-genituri li jridu jakkomodaw lit-tfal, u mhux viceversa. L-importanti hu l-istabbilita’ emozzjonali tat-tifla, u li din jkollha kuntatt mal-genituri taghha bl-anqas disturb possibli.”*

¹⁵ Decided by the Court of Appeal on the 30th April 2015.

Furthermore, although this Court has always held that it is generally in the best interest of the child that the child's relationship and rapport with both parents is preserved and protected, irrespectively of the nature of the relationship between that same child's parents, as has been said, in these matters the Court must be guided by the best interests of the child, and therefore the Court must examine whether in the circumstances it is in the best interests of the child for one of the parents to be divested of parental authority.

Article 154 of the Civil Code provides that:

“(1) Saving any other punishment to which he may be liable according to law, a parent may be deprived, by the said court, wholly or in part, of the rights of parental authority, in any of the cases following:

(a) if the parent, exceeding the bounds of reasonable chastisement, ill-treats the child, or neglects his education;

(b) if the conduct of the parent is such as to endanger the education of the child;

(c) if the parent is interdicted, or under a disability as to certain acts, as provided in articles 520 to 527 inclusive of the Code of Organization and Civil Procedure, and articles 189 and 190 of this Code;

(d) if the parent mismanages the property of the child;

(e) if the parent fails to perform any of the obligations set out in article 3B in favour of the child.

(2) If the interests of the child so require, the Court may order that only one of the parents shall exercise the rights of parental authority and the Court may also restrict the exercise of these rights and, in serious cases, exclude both parents from the exercise of these rights.

(3) The Court may also restrict the exercise of the aforementioned rights where one or both of the parents are charged with one or more of the offences listed in Title VII of Part II of Book First of the Criminal Code.

(4) Nevertheless, the court may, even in the cases mentioned in sub-article (1) of this article, reinstate the parent in the exercise of the rights of which he has been deprived, when the cause of such deprivation ceases to exist.”

The same Articles 3 and 7 of the Civil Code list down the financial obligations which both parents also have towards their children. The quantum of this obligation is calculated according to the parents’ means, and the criteria set out in Article 20 of the Civil Code. Article 20 provides that:

*“(1) Maintenance shall be **due in proportion to the want of the person claiming it and the means of the person liable thereto.***

(2) In examining whether the claimant can otherwise provide for his own maintenance, regard shall also be had to his ability to exercise some profession, art, or trade.

(3) In estimating the means of the person bound to supply maintenance, regard shall only be had to his earnings from the exercise of any profession, art, or trade, to his salary or pension payable by the Government or any other person, and to the fruits of any movable or immovable property and any income accruing under a trust.

(4) A person who cannot implement his obligation to supply maintenance otherwise than by taking the claimant into his house, shall not be deemed to possess sufficient means to supply maintenance, except where the claimant is an ascendant or a descendant.

(5) In estimating the means of the person claiming maintenance regard shall also be had to the value of any movable or immovable property possessed by him as well as to any beneficial interest under a trust.”

In the case in the names of **Georgina Schembri pro et noe vs Dino Schembri** decided on the 28th November 2002, the Court held that: “*L-obbligi ta’ manteniment tal-konjugi huma regolati bl-artikolu 3 tal-Kap 16...jirriżulta mid-disposizzjonijiet tal-Liġi, li l-ġenituri għandhom l-istess obbligi versu l-ulied tagħhom, u għalhekk it-tnejn li huma għandhom jikkontribwixxu għat-trobbija tal-istess, aktar u aktar meta illum il-miżewwġin huma f’posizzjoni ta’ ugwajjanza u għandhom l-istess drittijiet, u allura anke skont l-artikolu 2 tal-Kap 16, “jerfgħu responsabbiltajiet indaqs matul iż-żwieġ tagħhom” (Ara Eoll Jennifer Portelli pro et noe vs John Portelli (Rik Nru 2668/1996) deċiża fil-25 ta’ Ġunju 2003).*”

Jurisprudence illustrates that the obligation of the parents is an absolute one, and persists even where the parents are unemployed. The Court recognizes the fact that according to law, parents have an obligation to maintain their children according to their means. However, local Courts have always stressed that: “*Il-Qorti dejjem irriteniet illi l-ġenituri ma jistgħux jabdikaw mir-responsabilita` tagħhom li jmantnu lil uliedhom materjalment, hu kemm hu lintrojtu tagħhom. Dejjem kienet tal-fehma illi kull ġenitur għandu l-obbligu li jmantni lil uliedu anke jekk il-meżzi tiegħu huma baxxi jew jinsab diżokkupat. Il-Qorti ma tista’ qatt taċċetta li persun/a ġġib it-tfal fid-dinja u titlaq kull responsabbilita` tagħhom fuq il-ġenitur l-iehor jew inkella fuq l-istat.*”¹⁶

3. Applicability of legal principles to present case

From the evidence produced, it transpires that along the years the parties had a turbulent relationship characterised by violent episodes which the Plaintiff had to endure even after the children were born. Unfortunately, the Court does not have the defendant’s version of facts and therefore has to rely on the version of the Plaintiff, which however seems to the Court to be credible.

The Plaintiff produces an affidavit where she takes the Court through her journey with the Defendant, describing incidents where the Defendant

¹⁶ Vide Tiziana Caruana vs Redent Muscat (272/2018) decided by the First Hall, Civil Court on the 24th June 2019; Liza Spiteri vs Lee Farrugia (219/2018) decided by the First Hall, Civil Court on the 2nd October 2019.

was violent with her, many times this being the result of excessive drinking on the part of the Defendant. In fact, Plaintiff testifies honestly and states that with the children their father was calm and they used to enjoy their time with him, however after nights drinking his attitude towards them was not a responsible one where he even forgot to provide them with the necessities such as food. He ignores the fact that the Plaintiff is the mother of his children and all through their relationship he continued being violent with him to the extent that he was sentenced to 26 weeks imprisonment, suspended for two years by the Magistrates Court in Liverpool for assault and causing bodily harm. Plaintiff also presents a number of photos and police reports taken after various violent incidents.

In spite of not having the version of facts from the side of Defendant the Courts have always strictly condemned the use of violence for whatever reason and therefore the evidence produced is enough for the Court to conclude that the Defendant is not a responsible father who can take on the care and custody of his children in a responsible manner without placing them in danger. Even if he does not abuse of them in any way, a father who abuses the mother of his children cannot be trusted with the care and custody of his children.

His irresponsible character is also seen from the fact that he did not provide financially for his children and eventually left the Islands abandoning them and forgetting all about being a *bonus pater familias* who should be providing for his family even if not in a relationship with the mother anymore and caring for his family by being present. The mother on the other hand had to singlehandedly take care of her children even when being away from her family and even with a partner who was treating her in this manner. She in fact had to initiate these proceedings in the interest of her children after the father cut all contact to the extent that the appointed curators could not make contact with him in light of these proceedings. He also cut all contact with the children and he rarely answers his daughter when she attempts to make contact with him on social media.

Keeping in mind the best interests of the child therefore it transpires clearly that it is the mother who should assume the exclusive care and custody of the children. Therefore, Plaintiff's request to be vested with the sole and exclusive care and custody of the parties' minor child shall be upheld.

Moreover as stated in the judgement **F T K P D vs R K P G**¹⁷ *"Il-Qorti, wara li ezaminat ic-cirkostanzi partikolari kollha ta' dan il-kaz, b'mod partikolari li l-missier abbanduna lill-minuri b'mod assolut, tiddikjara li jezistu l-estremi sabiex iccahhad lill-missier mill-awtorita' ta' genitur sabiex tali awtorita' tigi ezercitata esklussivament mill-omm."*

The Court is aware that it is not ideal for a parent to be cut off from exercising parental authority, however in cases of complete abandonment it is certainly not in the interests of the children for the parent having care and custody to constantly seek the consent of the father (probably to no avail) before taking a decision with regards to the child. Thus, this Court after considering 1. that Defendant's behaviour is in violation of Article 3B of the Civil Code and 2. the abandonment of the children by defendant, decides that Defendant should be divested of parental authority on the said children in terms of Article 154 of the Civil Code. Therefore, this Court orders that the minors' primary residence shall be with the mother, and that the minors' domicile and habitual residence are to be the same as those of the mother. The Court furthermore authorises Plaintiff mother to make any decisions both those of an ordinary nature and also those of an extraordinary nature with regards to the minors' upbringing, health, education, extra-curricular activities together with all those decisions regarding domicile, travel and the issue and renewal of the minors' passport and the consignment of the childrens' passport without the need for Defendant's signature, consent or presence.

In spite of this, the father still has an obligation towards his offspring to provide maintenance for them in accordance with the legal principles mentioned above. By abandoning the Plaintiff and his children and

¹⁷ Decided by the Civil Court (Family Section) on the 22nd March 2018 (Sworn Application Number 192/16 RGM).

cutting all contact the Defendant sealed the deal as to abandoning all the obligations towards his children. However, the obligation to provide maintenance emanates from the law and is not optional. It is obviously the obligation of both parents to provide financially towards their children. Plaintiff not only has the care and custody of her children whilst these reside with her, but has to also see how to provide financially for them because the father chose to completely abandon his responsibilities as if children are just objects who can be set aside when they no longer fit his life plans and whims.

As quoted above, the law calculates maintenance in accordance with the needs of the children and the means of those providing maintenance. In this case no evidence was brought in this regard however the Court notices that when giving its decree during mediation proceedings the Court considered the income of the parties and a prospect showing the expenses for the children and therefore this Court will be relying on that decree. Therefore, the Court orders Defendant to pay Plaintiff the amount of two hundred (200) Euro for each daughter every month, together with fifty (50) Euro as his contribution towards health and education for each child and must therefore pay the sum of two hundred and fifty (250) Euro every month for each child. Such amount is to increase according to the cost of living adjustment each year, payable until the minor reaches the age of eighteen (18) years if the minor stops pursuing her studies and starts working on a full-time basis or payable up to the age of twenty-three (23) years if the minor child decides to pursue her studies on a full-time basis and until then. Said amount is to be deposited directly in a bank account of Plaintiff's choosing. The Court orders that any benefits, and/or allowances offered by the state are to be received by Plaintiff.

As to the demand for arrears, the Plaintiff states that no maintenance was given after the Court decree of the 19th April 2021. However, no reports were filed in this regard and the Court does not have the comfort of any evidence in this regard. The Court does not feel that it can make an order for the payment of arrears with the evidence it has before it. Furthermore, the Court cannot order Defendant to pay his share for

health and education expenses in arrears as no prospect of expenses and amounts or receipts were presented in this regard.

The Court does not feel that it can grant access to the father as things stand however if Defendant decides to re-connect with his children, Defendant is to file an application with the Civil Court (Family Section) for the Court to decide on the modalities of access after it carries out a thorough re examination of circumstances.

For these reasons, the Court:

1. Upholds Plaintiff's first request and awards Plaintiff the sole care and custody of the minors F G and H I sisters E and with the application of Article 149 divests Defendant from parental authority over his children and orders that the mother solely exercises parental authority over her children authorising her to make any decisions both those of an ordinary nature and also those of an extraordinary nature with regards to the minor childrens' upbringing, health, education, extra-curricular activities together with all decisions regarding travel and the issue, renewal and consignment of the minors' passport and identity cards without the need for Defendant's signature, consent or presence;
2. Upholds Plaintiff's second request and orders that the minors' primary residence is to be with the mother in Malta;
3. Decides regarding the Defendant's right of visitation by ordering Defendant to file an application before the Civil Court (Family Section) should he decide to re-connect with the minors in order for the Court itself to decide regarding the modality of access;
4. Upholds Plaintiff's fourth request and orders Defendant to pay Plaintiff the amount of two hundred (200) Euro for each daughter every month, together with fifty (50) Euro as his contribution towards health and education expenses for each child and therefore pay the sum of two hundred and fifty (250) Euro every month for each child. Such amount is to increase according to the

cost of living adjustment each year, payable until the minor reaches the age of eighteen (18) years if the minor stops pursuing her studies and starts working on a full-time basis or payable up to the age of twenty-three (23) years if the minor child decides to pursue her studies on a full-time basis and until then. Said amount is to be deposited directly in a bank account of Plaintiff's choosing. The Court orders that any benefits, and/or allowances offered by the state are to be received by Plaintiff.

5. Rejects Plaintiff's fifth request for Defendant to pay maintenance by way of arrears for the reasons given hereabove.

With costs to be borne by defendant.