



**CIVIL COURT  
(FAMILY SECTION)**

**MR. JUSTICE ANTHONY G. VELLA**

**Sitting of Thursday 7th November 2024**

**Divorce No; 386/24 AGV**

**SS**

**v.**

**AA**

**The Court;**

**Having seen the application of SS;**

**Humbly submits and under oath confirms:**

That the parties got married in Italy on the 13th January 2011 from which they had two children KA born on the 30th January 2006 and AN A born on the 20th October 2010 (see marriage certificate marked as Doc A)

That the parties separated by means of a judgment dated 11th December 2019, which judgment was not appealed (See judgment and certificate of no appeal hereby attached and marked as Doc B).

That during the separation proceedings, the defendant left the country and applicant is not informed of his address except for the fact that he is in Russia.

That there is no reasonable prospect of reconciliation between the parties. That in terms of the separation judgment the parties were not ordered to give maintenance towards each other whilst the defendant was ordered to pay maintenance for the minor children in the sum of EUR 700 monthly.

That the defendant has never paid maintenance and thus there are several arrears due. That nevertheless since she is the one filing the application and there are arrears due towards her, the conditions by law for the obtainment of divorce according to article 66B et seq of the Civil Code are still satisfied<sup>1</sup> (see Affidavit marked as Doc C).

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That therefore applicant humbly requests this Honourable Court:

1. To pronounce the divorce between the parties in terms of article 66B et seq of Chapter 16 of the Laws of Malta;
2. Order the Registrar of Court so that they notify the Director of Public Registry in a time fixed by the court with the parties divorce.

**Save an other order that the court deems fit and just.**

Having seen the curators' reply, wherein they stated that they are not aware of the facts of the case, and that they reserve to file additional pleas if and when they establish the whereabouts of defendant and make contact with him.

Having seen the documents exhibited.

Having heard all the evidence submitted by the parties.

**DECIDE:**

NOW, THEREFORE, THE COURT;

UPHOLDS Plaintiff's claims.

1. Pronounces the divorce between the parties in terms of article 66B et seq of Chapter 16 of the Laws of Malta;
2. Orders the Registrar of Courts to notify the Director of Public Registry within ten (10) days with the parties divorce.

All costs are to be borne temporarily by Plaintiff, which shall become recoverable in full from defendant, if and when his whereabouts are made known.

**Antonio Giovanni Vella**

**Judge**

**Concetta Gauci**

**Deputy Registrar**