

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of 4th December 2024

Application no. : 467/2024JPG

Case no. : 19

KM and MG

Vs

X

The Court:

Having seen the joint Application filed by parties, dated 24th September 2024, at page 1 (translation at page 3 et seqq.), wherein it was held:

- 1. That KM and MG formerly M got married on the seventieth (17th) of September of the year two thousand and twenty two (2022), in the Marriage Registry, in Marsa, and this as results from the attached marriage certificate marked as **Document A**.*
- 2. That no children were born from this marriage.*
- 3. That the parties are legally separated through a consensual separation agreement published by the Notary Doctor Jacqueline Calleja dated the fourth (4th) of September of the year two thousand and twenty four (2024); true copy of the said separation deed is hereby attached and marked as **Document B**.*
- 4. That there are no issues regarding maintenance between the Parties, due to the fact that the in the stated deed, the Parties had renounced to their right to claim maintenance from each other.*
- 5. That there is no reasonable prospect for reconciliation between the parties since besides the fact that the parties are today legally separated, the parties today have a total separate and independent life from one another. In fact, the de facto separation of the parties took*

place in February of the year two thousand and twenty four (2024) and this as declared in the separation deed above mentioned.

6. *That these facts satisfy all the requirements for the attainment of divorce in terms of Article 66B of the Civil Code, Chapter 16 of the Laws of Malta.*
7. *That the affidavits of the parties are hereby attached and marked as **Document C** and **Document D** respectively.*

Therefore the applicants humbly request this Hon. Court to:

- a. *Pronounce the dissolution of marriage between the parties KM and MG formerly M, in terms of Article 66A et sequitur of Chapter 16 of the Laws of Malta.*
- b. *Order the Court Registrar so that in the period stipulated by this Hon. Court, informs the Director of Public Registry with the dissolution of the marriage of the parties, KM and MG formerly M, so that this will be registered in the Public Registry.*

Having seen the evidence tendered 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:

KM testified (vide affidavit at page 19) that the parties were married on the 17th September 2022. No children were born from this marriage. He stated that this marriage broke down and the parties separated by virtue of a contract of separation dated 4th September 2024 in the acts of Notary Dr Jacqueline Calleja, He added that the parties were separated *de facto* in February 2024. 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.

MG formerly M testified (**Vide affidavit Fol 18**) and confirmed and corroborated her

husband's testimony.

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 17th September 2022 which marriage bears the Certificate Number 2167/2022 (vide page 5). 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 Jacqueline Calleja on the 4th September 2024 (vide Fol 6 et seqq). However they have been separated *de facto* since February 2024. 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 2167/2022 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**