

CIVIL COURTS
(FAMILY SECTION)

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

Hearing of the 3rd February 2025

Application no.: 485/2024

Case no.: 16

GM
VS
FV

The Court:

Having seen the sworn application filed by GM dated the 2nd of October 2024, (vide translation at page 3), wherein it was held:

Whereas the parties contracted marriage in the United Kingdom on the 13th of May 2006.

Whereas two children were born of this marriage, namely PV, on X, and EV on Y, hence still minors.

Whereas the parties are legally separated in virtue of a separation deed published in the records of Notary Dr Francesca Cachia Zammit dated the 23rd of January 2023 (Doc A).

Whereas there exists no reasonable possibility for the parties to reconcile given that they lead a separate and independent life from one another.

Whereas in terms of Article 10 of the separation deed maintenance is only paid by the

Husband in the interest of the minor children; which obligation is being honoured.

Whereas the abovementioned facts satisfy all conditions required for the obtainment of a divorce in terms of Article 66B of Chapter 16 of the Laws of Malta.

Consequently, the applicant humbly requests this Honourable Court to:

- 1. Declare the dissolution of the marriage between the parties; and*
- 2. Order the Registrar of Courts to duly notify the Director of Public Registry, within a term established for this purpose, of the dissolution of this marriage and for this to be registered officially in the Public Registry.*

Having seen the sworn reply of FV dated 25th November 2024 (vide fol 20 and translation vide fol 21), wherein it was held:

- 1. Respondent confirms that the parties got separated by means of a contract of separation dated 23 January 2023 and confirms that there is no reasonable prospect of reconciliation between the parties and that there was no reunification between them since the date of separation.*
- 2. Respondent also confirms that there are no arrears of maintenance due.*
- 3. For these reasons respondent agrees with divorce.*
- 4. Respondent is attaching his affidavit hereto (**Dok A**)*

Having seen that the application and documents, the decree and notice of hearing have been duly notified according to law;

Having heard the evidence 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:

GM testified by means of an affidavit (*vide affidavit at page 15*), that the parties married on the 13th of May of the year two thousand and six (2006) in London, and that from this marriage two children were born. The parties signed a contract of personal separation in the acts of notary Dr Francesca Cachia Zammit on the 23rd January 2023. Plaintiff testified that the parties lead an independent life and therefore there is no possibility of reconciliation. She declared that the two daughters live with her and that Respondent regularly pays maintenance for the two children.

FV testified by means of an affidavit (*vide page 22*) and confirmed and corroborated his wife's testimony.

Considers:

According to Law, it is confirmed in Articles 66A and 66B of Chapter 16 of the 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.

Deliberates:

The Court has seen that the parties contracted their marriage on the 13th May 2006 which marriage bears certificate number 833132. Two children were born from this marriage who are both still minors.

From the acts of the case it transpires that the parties' were separated by means of a contract of personal separation in the acts of Notary Dr Francesca Cachia Zammit dated 23th of January 2023 (at page 4 et seq)

Therefore, it is established that the parties have been separated within the time frame required by law.

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 833132 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 noted in the Public Registry.

Senza Tassa.

Read.

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

Lorraine Dalli

Deputy Registrar