

CIVIL COURTS
(FAMILY SECTION)

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

Hearing of the 17th of February 2025

Application no.: 338/2024

Case no.: 27

RG
Vs
IA

The Court:

Having seen the sworn application filed by RG dated the 5th of July 2024, at page 1 (translation at page 9), wherein it was held:

*That the parties got married on the twenty-sixth (26) of August of the year two thousand (2000) in London, England, as can be seen from the attached copy of their marriage certificate, attached and marked as **Doc. RG1**.*

That from this marriage, they had three children, namely TA born on X, AA born on Y and BA born on Z.

*That the parties have been legally separated from each other since the twenty- eight of February of two thousand and twenty four (28.02.2024), by means a contract in the acts of public notary Dr. Patricia Vella Haber LL.D, an authenticated copy of which contract is attached hereto and marked as **Doc. RG2**.*

That there is no reasonable prospect for reconciliation between the parties, given that besides the fact that the parties have been legally separated since last February,

they now have a completely separate life from each other.

That there is no maintenance due between the parties, as a result of a mutual renunciation of the same in clause number two (2) of the contract, nor are there any arrears due in line with the maintenance for the children, since the parties agreed to contribute equally to their children's upbringing according to the terms of the same contract.

*That the applicant further submits her affidavit, attached and marked as **Doc. RG3**, through which affidavit she confirms the facts hereinbefore set out.*

Therefore, the declarants respectfully request that this Honourable Court;

- 1. Pronounce the dissolution of the marriage between the parties;*
- 2. Direct the Court Registrar to file forthwith with the same Court, submits to the Director of the Public Registry the dissolution of the marriage between the parties so that this may be recorded in the Public Registry.*

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:

RG testified by means of an affidavit (*vide affidavit at page 7*), that the parties married on the 26th of August of the year two thousand (2000), and that from this marriage they had three children. TA, AA and BA. She affirmed that their marriage broke down after the parties realised that they were incompatible and the parties separated consensually by means of a contract in the

acts of notary Dr Patricia Vella Haber in February of this year. She testified that they both have an independent life and therefore there is no possibility of reconciliation. She declared that the parties do not pay any maintenance to one another, and that the parties had no assets between them.

IA testified on Oath on the 11th November 2024 (vide page 16) and confirmed and corroborated his wife's testimony and confirmed that the parties have been living separately since September 2023.

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 26th August 2000 which marriage bears the certificate number 1764/2000, Three children were born from this marriage, TA, AA and BA.

From the acts of the case it transpires that the parties' signed a contract of consensual personal separation by means of a public deed in the acts of Notary Patricia Vella Haber dated 28th of February 2024 (vide Dok RG2 at page 4). The parties confirmed that they have been living separately since September 2023. Therefore it is established that the parties have been separated in accordance with the timeframe required by law.

Furthermore, the Court finds that there is no reasonable prospect of a reconciliation between the parties and that there are no maintenance arrears.

For these reasons, the Court pronounces the dissolution of the marriage between the parties by divorce, which Marriage Certificate bears the number 1764/2000 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