

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of 12th June 2025

Application no. : 103/2025JPG

Case no. : 20

IK and TN

Vs

X

The Court:

Having seen the joint Application filed by parties, dated 5th March 2025, at page 1 (translation at page 4 et seqq.), wherein it was held:

*That the Parties contracted their civil union in Malta on the thirteenth day (13) of May of the year two thousand and eighteen (2018), which marriage was duly registered in the Public Registry of Malta, by act of marriage number seven hundred and eleven of the year two thousand and eighteen (711/2018) hereby being annexed and marked as **Doc A**.*

*That the Parties separated on the nineteenth day (19) of December of the year two thousand and twenty-four (2024), as results from the separation contract published in the acts of Notary Doctor Matthew Agius, a copy of which is hereby being annexed and marked as **Doc B**.*

That there is no reasonable prospect for reconciliation between the Parties since they both lead separate lives from each another, such that they have been de facto separated since the ninth (9) day of October of the year two thousand and twenty-three (2023).

That these facts satisfy all the conditions required by law to obtain a divorce in terms of Article 66B of The Civil Code, Chapter 16 of the Laws of Malta.

That, therefore, in view of the above, the applicants humbly request this Honourable Court:

- 1. To pronounce the dissolution of the marriage between the Parties;*
- 2. To order the Registrar of Courts such that within a time established for this purpose by the Court, to notify the Director of Public Registry with the dissolution of this marriage so that this is registered in the Maltese Public Registry.*

Having seen that the parties were duly notified according to Law;

Having seen the evidence of the parties given by means of sworn affidavit;

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:

IK testified (vide affidavit at page 22) that the parties got married on the 13th May 2018. He stated that this marriage broke down and they have been leading separate lives since October 2023. He stated that their marriage broke down and they separated by virtue of a contract of personal separation dated 19th December 2024 in the acts of Dr Matthew Agius. He declared that there is no prospect for reconciliation with his husband. Moreover, he stated that there are no pending maintenance arrears due between them.

TN testified (Vide affidavit Fol 23) and confirmed and corroborated his husband's testimony.

Deliberates:

Articles 66A and 66B of Chapter 16 of Laws of Malta provide:

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 13th May 2018 in Malta which marriage was registered at Malta's Public Registry, bearing the certificate number 1084/2018 (vide page 6).

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 Matthew Agius on the 19th December 2024 (vide Fol 7 et seqq), but have been living separate lives since October 2023. Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

There are no arrears regarding maintenance payments.

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 1084/2018 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