

CIVIL COURTS
(FAMILY SECTION)

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

Hearing of the 18th June 2025

Application no.: 533/2024

Case no.: 20

MG
VS
LP

The Court:

Having seen the sworn application filed by MG dated the 25th of October 2024, (vide translation at page 3), wherein it was held:

1. *That they celebrated their marriage in Malta, on the twenty (20th) day of September of the year two thousand and eighteen (20.09.2018).*
2. *That from this marriage they do not have any children.*
3. *That the parties have been de facto separated since September 2023 and separated de jure on the twenty ninth (29) of April of the year two thousand and twenty- four (29.04.2024).*
4. *That the parties have been separated by virtue of a contract in the acts of Notary Dr Sylvana Borg Caruana dated twenty ninth (29) of April of the year two thousand and twenty four (29.04.2024).*
5. *That there is no reasonable prospect of reconciliation between the parties and each of them leads a separate life independent of one another;*

6. *That there is no maintenance due between the parties;*
7. *That these facts satisfy the conditions established by article 66B of the Civil Code for the attainment of divorce;*

The applicant requests:

- a) *That the Court pronounces the divorce between the parties;*
- b) *That the Court orders the Registrar of Courts to notify the Director Public Registry with the pronouncement of divorce of the parties so that such changes will be registered in the Public Registry;*
- c) *The applicant requests that in terms of the dispositions in Article 66B of Chapter 16 that this Honourable Court, after hearing the parties as intended in Article 66C of Chapter 16 and in order to be established the existence of the conditions mentioned in Article 66B, pronounces the divorce between the parties as intended in the said Article 66C.*

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

Having seen the sworn reply filed by LP dated the 11th of April 2025, (vide translation at page 22), wherein it was held:

That respondent took note of applicant's request where this Honourable Court is being asked to pronounce the dissolution of their marriage.

That respondent declares that there is no reasonable prospect of reconciliation.

That furthermore respondent agrees that all the requirements set out in Article 66B of Chapter 16 of the Laws are satisfied.

Therefore, the demand is not being opposed.

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:

MG, testified by means of an affidavit (*vide affidavit at page 28*), that the parties married on the 20th of September of the year two thousand and eighteen (2018) and that no children were born from this marriage. The parties separated de facto since 29th September of the year two thousand and twenty three (2023) and signed a contract of personal separation in the acts of notary Dr Sylvana Borg Caruana on the 29th April of the year two thousand and twenty four (2024). Plaintiff testified that the parties lead an independent life and therefore there is no possibility of a reconciliation. Moreover, there are no pending maintenance arrears.

LP, testified by means of an affidavit (*vide affidavit at page 25*) and corroborated all evidence given by her husband.

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 20th September 2018 which marriage bears the certificate number 2825/2018 (vide fol 31). No children were born from this marriage.

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 Sylvana Borg Caruana dated 29th of April 2024 (at page 10 et seq). The parties have been separated de facto since 29th September 2023.

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 2825/2018 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.

Senza Tassa.

Read.

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

Nicole Caruana

Deputy Registrar