

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of 19th June 2025

Application no. : 586/2023JPG

Case no. : 22

MHB

Vs

**By virtue of a decree dated
26th June 2024, Dr Maria
Karlsson and LP Nadine
Farrugia were appointed as
Deputy Curators to appear
on behalf of the absent MHE**

The Court:

Having seen the Application filed by MB, dated 2nd November 2023, at page 1 (translation at page 2), wherein it was held:

- 1. Parties got married on the 3rd June, 2016 and this as confirmed in the marriage certificate attached and marked as DOK A.*
- 2. From this marriage, their son YE was born on the X.*
- 3. By means of a judgement given by the Civil Court (Family Section) dated 19th January, 2023 in the names of MB vs ME, parties obtained their personal separation. This judgement was confirmed on appeal on the 15th June, 2023 (judgements attached and marked collectively as DOK B)*

4. *There is no reasonable prospect of reconciliation between the parties since they have lived a totally separate life and this as confirmed in the attached affidavit marked as DOK Ċ.*
5. *With regard to YE's maintenance, applicant is reserving her right in relation to the maintenance arrears since these are not being paid by defendant. However, this should not impede this Honourable Court to grant the dissolution of marriage between the parties and this on the basis of article 66D(2) of Chapter 16 of the Laws of Malta.*
6. *In light of the above, the parties satisfy the conditions required to obtain their divorce in terms of article 66B of the Civil Code, Chapter 16 of the Laws of Malta.*

For these reasons, applicant humbly requests this Honourable Court:

1. *Pronounce the dissolution of the marriage between the parties.*
2. *Orders the Registrars of Courts, in a time frame given by the same Honourable Court to inform the Director fo Public Registry of the dissolution of the aforementioned marraige so the dissolution is registered in the Public Registry.*

Therefore, the applicant humbly requests this Honourable Court to:

1. *Pronounce the dissolution of marriage between the parties;*
2. *Order the Registrar of Courts to notify, within the time limit ordered by the Court, the Director of Public Registry with the dissolution of the parties' marriage and to register the same in the Public Registry.*

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

Having seen the reply filed by the Deputy Curators (Vide Fol 140);

That she was appointed as Deputy Curator together with the legal procurator

Nadine Farrugia by means of a decree dated 26 June, 2024 to represent MHE

That Respondents were served with the application of MHB on Tuesday 10 December, 2024 and are rebutting all claims made:

That the Deputy Curators are not privy to the facts between the parties except that they were married on the 3rd of June 2016 and from this marriage a son was born on the X and today he's X years that to date they are legally separated, which separation was confirmed by the Court of Appeal, on 15 June, 2023 .

That in any case Respondent state that they do not have any knowledge of where MHE can be found.

That since the Deputy Curators are not privy to any facts , at this stage they are submitting themselves to the wise and superior consideration of this Honorable Court.

Save for further pleas.

Having seen the evidence given by means of sworn affidavit and viva voce;

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:

Plaintiff testified (vide affidavit at page 35) that the parties were married on the 3rd June 2016, and from this marriage a child was born who is still minor. She stated that this marriage broke down and the parties separated by virtue of a Judgement dated 19th January 2023 pronounced by Madam Justice Dr. Abigail Lofaro and Appellate Court judgement dated 15 June 2023. She

declared that there is no prospect for reconciliation with her husband.

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 3rd June 2016, which Marriage bears the Certificate Number 1309/2016 (vide page 3) and a child was born from this marriage who is still minor.

The record shows that the marriage broke down and the parties obtained a personal separation by means of a Judgement dated 19th January 2023 pronounced by Madam Justice Dr. Abigail Lofaro and Appellate Court judgement dated 15 June 2023. (vide Fol 4 et seqq). Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

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, with Marriage Certificate Number 1309/2016 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**