



MALTA

**CIVIL COURT  
(FAMILY SECTION)**

**HON. MR. JUSTICE  
NOEL CUSCHIERI**

Sitting of the 14 th December, 2006

Citation Number. 185/2006

List number: 2

**A B C D**

**Vs**

**E F G H, I H, The Director of the Public Registry, and  
Doctor Vincent Galea and Legal Procurator Hilda Ellul  
nominated, by court decree given on the 16<sup>th</sup> June  
2006, deputy curators to represent the minor J H**

**The Court,**

Whereas by court application sworn and filed on the 1<sup>st</sup> of June 2006, applicant premised that J H was born on the 25<sup>th</sup> January 2006 from his relationship with respondent E F G H. However, in the relative birth certificate the child was registered as the son of respondent I H, since at that time the mother was married to this respondent. Since the child J is the natural son of applicant A D, the latter is

Informal Copy of Judgement

requesting the Court to order [1] declare that J is not the natural son of respondent I H, but the natural son of applicant A B C D; and [2] to order the Director of the Public Registry to effect the necessary changes in the birth certificate of the child J, [number 407/06] to reflect this reality;

Whereas on the 24<sup>th</sup> July 2006 the Director of the Public Registry filed his sworn reply;

Whereas on the 31<sup>st</sup>. July 2006 the Deputy Curators representing the minor child filed their sworn reply;

Whereas respondent I H failed to file a reply;

Having seen all the acts of the case, including the scientific report duly sworn by Doctor Renald Blundell;

Having seen the affidavits of the parties;

Having considered;

That in virtue of this action applicant is requesting a court declaration confirming his paternity of the child J born on the 25<sup>th</sup> January 2006, though registered with the surname of respondent I H.

From the evidence produced it results that, though respondent E F G H is married to respondent I H, she has been having an extra marital relationship with the applicant and they have been living together since 2004. As a result of this relationship with applicant E H had a child, which she named J, on the above date.

In her affidavit the mother declares that during her relationship with applicant she was only intimate with him and no one else. On his part, I H confirms that he had lost all type of contact with his wife E “certainly for more than two years”

The scientific report of the DNA tests carried out, confirms applicant’s version that J is his natural child.

For the above reasons the Court considers applicant's request to be valid at law, and therefore accedes thereto:

[1] declaring that the child J, at present registered by the surname of H, is not the natural child of respondent I H, but is the natural child of applicant A B C D; [2] consequently orders the Director of Public Registry to effect the necessary corrections in the birth certificate of the child, bearing number 407/06, by cancelling the name of I H and his particulars therefrom, and substituting them with the name of A B C D holder of passport number NF 2086192, born in Gravenhage Netherlands, son of Ton D [alive], and who at the time of birth of the child, was 38 years old and residing at Swieqi.

Costs are to be borne by applicant and respondent E F G H, in equal shares.

**< Final Judgement >**

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