



**QORTI CIVILI  
(SEZZJONI TAL-FAMILJA)**

**ONOR. IMHALLEF  
NOEL CUSCHIERI**

Seduta tal-31 ta' Mejju, 2012

Citazzjoni Numru. 354/2008

Number on list: 37

**VC B in her own name,  
and as curator ad litem of her minor son Q  
vs  
The Director of Public Registry,  
and Lawyer Doctor Renzo Porsella Flores and Legal  
Procurator Victor Bugeja on behalf of the heirs of the  
late Q X**

**The Court,**

Having seen the sworn application by virtue of which plaintiff premised: that plaintiff had a stable relationship with the late Q X, a Bosnian national, residing in Malta; that plaintiff got pregnant with the latter's child; that during the pregnancy the said Q X died tragically on the 17<sup>th</sup> April 2007; that subsequently on the 25<sup>th</sup> December

2007, plaintiff gave birth to a son which she named Q; that the child was registered as being of unknown father, since the parties were not married and his father had died before his birth; that the said Q X is of Bosian nationality, born in Prijedor, Bosnia-Hersagovina on the 4<sup>th</sup> February 1985, resident in Malta at Gzira, and was 22 years old when he died; on the strength of the above, plaintiff is requesting this Court: to declare that the child Q C' B is the natural and biological child of the late Q X; as well as to make the necessary alterations in the birth certificate of the child, numbered 487/2008;

Having seen the sworn reply of the Director of the Public Registry who, though not opposing plaintiff's request, referred to the evidence to be produced in this case, primarily the genetic evidence;

Having seen the sworn reply of the deputy curators, who after raising a procedural issue, which has been solved subsequently in the course of the proceedings, referred to the evidence to be produced, since at that stage they were not aware of the facts of the case;

Having seen the notice issued in the Government Gazzette, according to law;

Having seen the scientific DNA report filed and sworn by Analyst Christopher Farrugia and Parmachist Doctor Marisa Cassar;

Having seen all the acts of the case, including the affidavits produced;

Having heard the evidence on oath;

Having considered;

That by virtue of the said action plaintiff is requesting this Court to confirm that the child Q B born of plaintiff on the 25<sup>th</sup> December 2007 is the biological son of the late Q X; as well as to order the consequential alterations in the child's birth certificate to reflect that reality.

That from the evidence produced it results that plaintiff's version of facts has been satisfactorily proved; and the DNA report has confirmed scientifically her allegation that the late Q X is the natural father of her son C' B.

On the strength of the above, this Court is of the opinion that plaintiff has managed to prove her case satisfactorily, and that her requests are justified in fact and at law.

For the above reasons, this Court accedes to plaintiff's request; and declares that the said child Q Nabakht' B born on the 25<sup>th</sup> December 2007 is the natural and biological son of the late Q X; and orders that the aforementioned birth certificate be altered accordingly.

Expenses are to be borne by plaintiff personally, and by defendant's heirs of the late Q X in equal shares; however the expenses relating to the deputy curators are provisionally to be borne by plaintiff.

**< Sentenza Finali >**

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