

**CIVIL COURTS
(FAMILY SECTION)**

HON. MADAM JUSTICE

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

Hearing of Friday 29th March, 2019

App. No.: 556/2018 JPG

Case no. : 21

Dr. MTB

Vs

MFV

The Court;

Having seen the application of Dr. MTB, dated 18th December, 2018, a fol 14 et seqq., wherein it was held:

- 1. The parties married on the thirty first (31st) of August of the year two thousand and thirteen (2013). From this marriage they had no children.*
- 2. The parties separated by means of a public deed dated twelfth (12th) December of the year two thousand and fourteen (2014) (Dok.A). The parties have been separated from each other since this date and there is no prospect for their reconciliation.*
- 3. The plaintiff submits that there are no issues of maintenance pending between the parties. He also declares that there is no prospect of reconciliation between them. Therefore, all requisites outlined in article 66B of Chapter 16 of the Laws of Malta are satisfied.*

4. The plaintiff confirms on oath the content of this application.

Therefore, and in view of the above, the plaintiff humbly requests this Honourable Court to pronounce divorce between the parties, and this so outlined in Sub Title IV of Title I of the First Book of Chapter 16 of the Laws of Malta.

Having seen that the application and documents attached, the decree and the notice of hearing have been duly notified in accordance with law;

Having seen that MFV duly notified, failed to appear and file her reply;

Having seen that therefore MFV according to the law, is non suited or contumacious (Vide fol 17);

Having heard the evidence on oath;

Having seen the exhibited documents and acts of the case;

Having seen Article 66A, 66B and 66C of Chapter 16 of the Laws of Malta;

Considers;

Dr. MTB testified at Fol 14 *et seqq.*, that the parties got married on the 31st of August 2013, and that from this marriage they had no children. He explained that the parties separated by means of a public deed dated 12 of December 2014, and that both parties renounced to their right to receive maintenance from each other. He added that the parties have been living separately for more than four years and there is no hope for reconciliation between the parties.

Considers;

Article 66A and 66B of Chapter 16 of the Laws of Malta is to the effect that:

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 contractor of a judgement. [...]

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) 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 four years out of the immediately preceding five years, or at least four years have lapsed from the date of legal separation; and

(b) there is no reasonable prospect of reconciliation between the spouses; and

(c) 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: [...]

Deliberates:

The Court notes that from the evidence adduced, the parties were married in Malta on the 31st August, 2013 (Vide Doc. MTB2, a fol 16) and that no children were born from this marriage. Furthermore, it results the parties obtained a personal separation by means of a public deed in the acts of Notary Doctor Claire Camilleri, dated the 12th December, 2014 (Vide Doc. A, a fol 3 et seqq.).

The evidence shows that there are no pending dues relating to maintenance between the parties.

It has also been proven that the parties have lived apart for more than four years and that there

is no hope of reconciliation between the parties.

For these reasons, the Court pronounces the dissolution of the marriage between the parties Dr. MTB and MFV by divorce 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 divorce may registered in the Public Registry.

The expenses of these proceedings are to be borne equally by the parties.

Read.

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

**Lorraine Dalli
Deputy Registrar**