

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of Monday 20th of January 2020

Sworn Application no. : 350/2019 JPG

Case no. : 29

**CB
And
MB**

The Court:

Having seen the sworn joint application filed by CB and MB dated 25th July 2019, at page 3 et seqq., wherein it stated:

- 1) *That the parties got married on the 5th of May of the year two thousand and five (5/5/2005) in Romania, and the said marriage was duly registered here in Malta, registration number X.*
- 2) *The parties had contracted a consensual separation in the acts of Notary Dr Maria Micallef on the 8th November of the year two thousand and sixteen (8/11/2016) a copy is hereby attached.*
- 3) *The parties have not lived together for more than 4 years, in fact they have been separated de facto since August of the year two thousand and twelve (2012).*
- 4) *There is no possibility of reconciliation between the parties.*
- 5) *There are no arrears of maintenance due to the wife, since the parties had forfeited the right to ask for maintenance, and no children were born from this marriage.*
- 6) *The parties personally know these facts and are confirming them on oath.*

Thus, for the above-mentioned reasons, the parties humbly ask the Honourable Court to

- 1. Declare the marriage between the parties on the 5th May 2005 is dissolved according to article 66 A of Chapter 16 of the Laws of Malta;*
- 2. Order the registrar to notify the Director of Public Registry of the divorce of the parties so that the same be registered at 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 heard all 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;

CB testified (fol 17) that the parties celebrated their marriage on the 5th May 2005, and no children were born out of this marriage. He explained that the parties signed a contract of personal separation on the 8th November 2016. He also explained that the parties have been separated *de facto* since 2012. He stated there were no maintenance arrears. He confirmed that there has not been a reconciliation between the parties from the moment of separation to date, and that there is now no prospect of reconciliation.

MB testified (fol 19) and confirmed and corroborated the testimony given by **CB**.

Deliberates;

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. [...]

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:[...]

Considers;

The Court has seen that the parties were married in Romania on the 5th May, 2005 (page 15). This marriage was registered in Malta (page 16). No children were born from this marriage

It results also that the marriage broke down and the parties obtained a personal separation by means of a public deed in the acts of Notary Doctor Maria Micallef dated the 8th of November 2016 (page 5). From the testimony of the parties, it further results that the parties have been separated *de facto* since 2012, and therefore for longer than the four years required by law.

The record shows that there are no maintenance arrears. Furthermore, the Court finds that there is no hope of a reconciliation.

For these reasons, the Court pronounces the dissolution of the marriage between the parties 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 may registered in the Public

Registry.

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

Read.

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

**Lorraine Dalli
Deputy Registrar**