

**CIVIL COURTS
(FAMILY SECTION)**

MADAM JUSTICE

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

Hearing of Thursday 29th of October 2020

Application no. : 136/2020 JPG

Case no. : 20

GL

Vs

PT

The Court:

Having seen the sworn application filed by GL dated 20th May 2020, at page 4 et seqq., wherein it stated:

- 1) That the parties married on the ninth (9th) of October of the year two thousand and eleven (2011) from which marriage they had no children (see marriage certificate hereby attached and marked as Doc A);*
- 2) That they have separated legally by means of a judgement in the names of 'PT vs GL', delivered by the Honourable Civil Court (Family Section) on the 31st October 2017 (see legal copy of the judgement hereby attached and marked as Doc B);*
- 3) That the parties have been separated for more than four years and have not lived under the same roof from the nineteenth (19th) of October two thousand and thirteen (2013) being the date when applicant left the matrimonial home;*
- 4) That there is no reasonable prospect of reconciliation between the parties given that apart from the fact that they have been separated for years, they lead*

a completely separate life. Indeed the parties have not spoken since the year 2013.

5) That the applicant declares that neither party is obliged to provide maintenance, and this in terms of the said judgement above mentioned. Therefore neither party has any claims related to maintenance;

6) That these facts satisfy the conditions required by law for the obtainment of divorce according to article 66 B of Chapter 16 of the Laws of Malta;

For these reasons, the applicant humbly requests this Honourable Court to :

1. Pronounce the divorce between the parties in terms of article 66 B of Chapter 16 of the Laws of Malta;

2. Order the Registrar of Courts to notify the divorce of the parties to the Director of the Public Registry, within the period granted for this purpose by the same court, so that the same shall be registered in the Public Registry;

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

Having heard all evidence on oath;

Having seen the exhibited documents and all the acts of the case;

Having seen the Articles 66A, 66B u 66C of Chapter 16 of laws of Malta;

Considers;

GL testified (vide affidavit at page 46) that he married defendant on the 9th October 2011 and that no children were born from this marriage. The parties separated *de facto* after two years of marriage and he left the matrimonial home in October 2013. They legally separated by means of a court judgement dated 31st October 2017. According to this court judgment, neither of the parties has any right to claim maintenance from the other. The parties now lead separate lives,

they have not spoken to each other since 2013. There exists no possibility of reconciliation between them.

PT testified and confirmed and corroborated the testimony of **GL**.

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 on the ninth (9th) of October of the year two thousand and eleven (2011) at China House Restaurant St. Julian's Malta, (vide Doc A, page 6)

and had no children from this marriage;

It results also that the marriage broke down and the parties separated legally by means of a judgement delivered on the 31st of October 2017 in the names of PTL vs GL, (vide page 8). From the testimony of GL (page 46), it further results that the parties have been separated *de facto* since 2013, 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 Court took note of Plaintiff's undertaking to pay all judicial costs of these proceedings (vide note in the record of proceedings dated 6th October 2020 at page 59). Therefore, the expenses of these proceedings are to be borne by the Plaintiff.

Read.

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

**Lorraine Dalli
Deputy Registrar**