

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 4th of February 2021

Application no. : 333/2020 JPG

Case no. : 20

**LS
And
DT**

The Court:

Having seen the sworn and joint application filed by the parties, dated the 25th of September 2020, at page 1 et seqq. (Vide page 24), wherein it was declared:

That the parties got married on the sixteenth (16th) day of January of the year two thousand and fifteen (2015) in the Public Registry in Valletta;

That there is no reasonable prospect of reconciliation between them since, apart from the fact that they been living apart for the last four (4) years, today they live totally separate lives from one another, apart from the fact that they have been separated since the year two thousand and seventeen (2017);

That these facts satisfy the requirements required for the attainment of divorce as outlined in Section 66B of Chapter 16 of the Laws of Malta;

For these reasons applicants humbly request that this Honorable Court deem it fit to:

- 1. Pronounce divorce between the parties;*

2. *Order the registrar of court to, within the time allocated by court, notify the Director of the Public Registry with the divorce of the parties in order for this to 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 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:

LS testified (vide affidavit at page 21B) and declared that he was legally separated from DT and has not resided with her for the past four years. Furthermore he also declared and confirmed that divorce proceedings are to commence on the first day of December 2020 on which date he could not be in Malta.

DT testified (vide affidavit at page 22) that she married LS on the 16 of January 2015 and that from this marriage no children were born. This marriage was not a successful one and the parties signed a deed of consensual separation on the 6th June 2017 in the acts of Notary Maria Micallef. She declared that both parties had forfeited the right to receive maintenance from each other and therefore no maintenance was due. She also testified that from although they signed the contract in June 2017, they commenced living separately in the summer of 2016. She declared that subsequent to the separation, there was no reconciliation between the parties nor is there any reasonable prospect of reconciliation now.

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 16th January 2015 which marriage certificate carries the number 99/2015 (vide Dok DBT2 at page 21). No children were born from this marriage.

The record shows 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 6th of June 2017 (vide Dok A, page 3). Therefore it is established that the parties have been separated in excess of the time required by law.

The record shows that that there are no maintenance arrears.

Furthermore, the Court finds that there is no reasonable prospect of a reconciliation between the

parties.

For these reasons, the Court pronounces the dissolution of the marriage between the parties, which marriage bears the certificate number 99/2015 and orders the Court Registrar to advise the Director of the Public Registry of the dissolution of the marriage between the parties by way of divorce so that this may be registered in the Public Registry.

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

Read.

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

**Lorraine Dalli
Deputy Registrar**