



**CIVIL COURT
(FAMILY SECTION)**

MR. JUSTICE ANTHONY G. VELLA

Sitting of Thursday 18th February 2021

Application number ; 167/2020 AGV;

AB

Vs

**Dr Yanika Bugeja and PL Hilda Ellul Mercer appointed as Deputy Curators
for the absent CD B by decree dated 14th October 2020.**

The Court;

**Having seen the application of AB dated 9th October 2020, whereas she
declared on oath and humbly submits;**

1. That the parties got married in the Republic of Philippines on the 29th April 1999, as per copy of the marriage certificate which is here by attached, and being exhibited as Doc. A;
2. That the parties have a child, namely EF who was born on the 19th November 1999 and who has attained majority.

3. That the following their wedding, the parties only lived together for a year, such that the applicant established herself in Malta in the year 2015, while the respondent never came to Malta and indeed still resides in the Republic of Philippines.
4. That, consequently, no community of acquests was ever established between the parties in terms of article 1316 (2) of Chapter 16 of the Laws of Malta, and additionally the parties never acquired any assets and / or contracted any liabilities together;
5. That the parties have been separated de facto for over 19 years, such that asper above, they hardly resided together.
6. That there is no prospect or hope of reconciliation between the parties since besides the fact that they have been separated de facto for well over 4 years, they are also living totally separate and independent lives.
7. That there is no dispute between the parties in connection with any maintenance payments.
8. That the applicant has been living in Malta since the year 2015 where she still has her ordinary residence, and as such meets all the necessary conditions in terms of article 66 N (1)(b) of Chapter 16 of the Laws of Malta.
9. That the above-mentioned facts satisfy the criteria for the attainment of divorce in terms of article 66 B of the Civil Code, chapter 16 of the Laws of Malta.
10. That the applicant had been authorized to proceed with these judicial proceedings in virtue of a decree granted by this Honorable Court, and dated 14th September 2020, a copy of which is hereby attached and marked as Doc. B;
11. That the applicant is hereby exhibiting her affidavit attached, and marked Doc C.

Consequently, the applicant is humbly requesting this Honorable Court;

1. Pronounce their marriage (divorce) between the parties;
2. Order the Registrar of Court, to within the time frame granted by this Court notify the Director of the Republic Registry of the dissolution of the marriage (divorce) between the parties, so that it be registered in the Public Registry.

And this under such provisions that this Honorable Court deems fit and appropriate.

The Court having seen the sworn reply of Dr Yanika Bugeja and PL Hilda Ellul Merced dated 21st December 2020, humbly declare;

1. That the deputy curators have no knowledge of the facts of the case;
2. That the curators are requesting any information regarding CD B, including such email address or telephone number, or mobile phone number, that the applicant may have.
3. That the curators are reserving ulterior pleas in defense.

With costs.

Having seen all the documents exhibited by the parties.

Having heard the parties' submissions.

Having seen the joint application dated 5 February 2021, wherein applicant stated she has no further evidence to submit, and respondent declared that he has no objection to the declaration of divorce between the parties.

Having seen that the parties, therefore, requested the Court to pass judgment and dissolve the marriage as requested.

Having seen that the requirements at law for the granting of the divorce had been satisfied.

DECIDE:

Now, therefore, the Court;

Grants the request.

1. Pronounces the divorce between the parties;
2. Orders the Registrar of Courts to notify the Director of the Republic Registry of the dissolution of the marriage (divorce) between the parties, so that it be registered in the Public Registry, within ten (10) days.

Costs to be borne by applicant.

Term for leave to appeal is being abbreviated to one (1) day.

Anthony J Vella

Judge

Concetta Gauci

Deputy Registrar