

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of Wednesday 10th November 2021

Application no. : 281/2020 JPG

Case no. : 17

JR

Vs

NM

The Court:

Having seen the sworn Application filed by JR, dated 31st of August 2020, at page 1 (translation at page 2), wherein it was held:

- 1. That the parties got married on the 23rd of April 2016 (Doc A) and subsequently separated.*
- 2. That the parties have been living apart for more than four years.*
- 3. The parties have no children and hold no property in common. There is no issue of maintenance between them and they both renounce to maintenance from each other.*
- 4. The husband definitely and irrevocably renounces to the right to request or receive maintenance from the wife and the wife declares that she has lost the right to receive maintenance according to law from her husband.*

For these reasons applicant requests that the Honourable Court pronounces the divorce between the parties as mentioned in article 66D(2) of the Civil Code Chapter 16 of the Laws of Malta.

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

Having seen that Defendant failed to file a sworn reply but tendered her evidence before the Judicial Assistant.

Having seen the Note of Dr Manduca in the record of the proceedings wherein he declared that he observed all the requirements of sub-article (1) of Article 66G of the Civil Code. (vide page 14)

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:

JR testified (vide apage 27) that since their marriage in April 2016 they spent the last four years living apart from each other. He confirmed that no children were born from this marriage, nor are there maintenance issues between him and his wife. Finally, he declared that they there is no prospect of reconciliation.

NM gave evidence on oath (vide page 29) and corroborated and confirmed the testimony given by Plaintiff.

Deliberates:

According to Law, it is confirmed in Articles 66A and 66B of Chapter 16 of laws of Malta:

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.

(omisis)

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) upon a demand made jointly by the two spouses, 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 6 months out of the preceding year: Provided that when the demand is made by one of the spouses against the other spouse, 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 one year out of the preceding two years; or*
- (b) on the date of commencement of the divorce proceedings, the spouses are separated by means of a contract or court judgment; and*
- (c) there is no reasonable prospect of reconciliation between the spouses; and*
- (d) 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: Provided further that for purposes of this paragraph, maintenance ordered by the court by a judgement of separation or agreed to between the spouses in a contract of separation, shall be deemed to be adequate maintenance:

Provided further that a divorce pronounced between spouses who were separated by a contract or by a judgement shall not bring about any change in what was ordered or agreed to between them, except for the effects of divorce resulting from the law.

Considers:

The Court has seen that the parties were married on the 23rd of April 2016 (Maltese Marriage Certificate at page 3, bearing number 693/2016) and no children were born from this marriage;

Both parties affirm that they have spent the last four years living apart from each other.

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 (certificate number 693/2016) 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 be registered in the Public Registry.

Senza tassa.

Read.

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

**Lorraine Dalli
Deputy Registrar**