

**CIVIL COURTS  
(FAMILY SECTION)**

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

**Hearing of 9<sup>th</sup> March 2022**

**Application no. : 464/2021**

**Case no. : 24**

**JS  
And  
MV**

**The Court:**

Having seen the sworn joint Application of the parties JS and MV, dated 6<sup>th</sup> October 2021, at page 1 (translation at page 2), wherein it was held:

- 1. The parties got married on the 20th of May of the year two thousand and nine (20/5/2009)*
- 2. The parties contracted a consensual separation in the acts of Notary, Dr Patrizia Mallia on the 7th July of the year two thousand and twenty one, (7/7/2021), a copy is hereby attached*
- 3. The parties have been separated de facto and not lived together for five years, they never reconciled and the husband has been residing in Malta since December two thousand and sixteen (2016)*
- 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 renounced to 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 20th May 2009 is dissolved according to article 66A 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 seen the parties' joint note dated 4<sup>th</sup> of November 2021; (vide page 9 et seqq.);

Having seen the exhibited documents and all the case acts;

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

**Considers:**

**MV** testified (vide affidavit at page 6) that the parties got married on the 20<sup>th</sup> of May 2009, and that no children were born from this marriage. She stated that this marriage broke down and this approximately five (5) years ago. She declared that there is no prospect for reconciliation with her husband. Moreover, she declared that there are no maintenance arrears due.

**JS** testified (vide affidavit at page 10) and confirmed and corroborated his wife's testimony.

**Deliberates:**

Articles 66A and 66B of Chapter 16 of the Laws of Malta provide the following:

**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 20<sup>th</sup> of May 2009 in the St. Helier Parish, in Jersey, (vide marriage certificate bearing number 399/2009, filed animo ritirandi, at page 17). No children were born of 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 Dr. Patrizia Mallia dated the 7<sup>th</sup> July 2021 (vide fol 2 seqq). It has been established that the parties have been living apart for more than five (5) years. Therefore, it is established that the parties have been separated in excess of the timeframe required by law.

The record shows that that there are no pending maintenance arrears between the parties.

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 by divorce, with Marriage Certificate Number 399/2009 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 noted in the Public Registry.**

**Senza Tassa.**

**Read.**

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

**Lorraine Dalli  
Deputy Registrar**