

**CIVIL COURTS
(FAMILY SECTION)**

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

Hearing of the 27th of February 2023

Application no.: 25/2023 JPG

Case no.: 18

**MM
And
DD**

The Court:

Having seen the sworn Joint Application filed by the parties dated 18th January 2023, at page 1, translation in English at page 3, wherein it was held:

- 1. That the parties contracted their marriage on the twenty-fifth of April of the year two thousand and nineteen (25/04/2019) in B, R and from this marriage no children were born;*
- 2. That they have been legally separated in virtue of a deed in the acts of Notary Matthew Nicholas Borg dated the twenty-fifth of April 2022 (25/04/2022), which is attached and marked as Document A;*
- 3. That there is no reasonable prospect of reconciliation between the plaintiffs, owing to the fact that they have been legally separated for more than six months and that they have a totally separate life, independent from one another.*
- 4. That there are no pending payments for maintenance from either the wife or the*

husband in relation to each other and this following their reciprocal renunciation to the right or receiving maintenance;

5. *That these facts add up and satisfy the requirements and criteria contemplated in article 66B of the Laws of Malta in order for the parties to obtain divorce.*

Therefore, the Plaintiffs respectfully asks this Honourable Court to:

1. *Pronounce the divorce and therefore dissolve the marriage between the Plaintiffs;*
2. *Order the Court Registrar to notify the divorce of the parties to the Director of Public Registry, within the period allowed for this purpose by the same Court, so that the same shall be registered in the Public Registry;*

Having seen the joint note of the parties dated 23rd of February 2023 by virtue of which they accepted service on the notice of hearing;

Having heard 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:

MM testified (*vide affidavit page 11*), that the parties were married on the 25th of April 2019. No children were born from this marriage. She testified that the parties have been living apart for a period of at least six months during the last year. Furthermore she declared that there is no reasonable prospect of a reconciliation between the parties. Moreover, there are no pending maintenance issues.

DD testified (*vide affidavit at page 12*) and confirmed and corroborated M's evidence.

Considers:

According to Law, it is confirmed in Articles 66A and 66B of Chapter 16 of the 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.

(omissis)

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.

Deliberates:

The Court has seen that the parties contracted their marriage on the 18th March 2018 which marriage certificate bears the number 924 of the April 2019 (*vide* marriage certificate at page 13) and that no children were born from this marriage.

From the acts of the case it transpires that the parties' marriage broke down and they obtained their personal separation by means of a public deed in the acts of Notary Dr. Matthew Nicholas Borg dated 25th of April 2022 (*vide* contract of separation at page 5 *et seqq*). The Court observes that as indicated by the parties' in their respective testimonies, the parties have been living apart for more than six months and have renounced to their right to receive maintenance from one another.

Therefore, it is established that the parties have been separated in accordance with the time frame required by law.

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 924 of April 2019 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.

Costs shall be divided equally between the parties.

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

**Christabelle Cassar
Deputy Registrar**