



**CIVIL COURT
(FAMILY SECTION)**

MR. JUSTICE ANTHONY G. VELLA

Sitting of Wednesday 27th September 2023

APPLICATION number: 385/2023 AGV

SD

VS

IKA

The Court;

Having seen the Application on oath of SD dated 10th July 2023,

Respectfully submits:

1. That the parties got married on the thirty first (31) of July of the year two thousand and twenty one (2021), certificate of marriage here attached and marked as Dok A;
2. That from this marriage the parties had no children;
3. That the parties were separated by means of a contract of personal separation dated third (3) of June two thousand and twenty three (2023), which copy is here attached and marked as Dok B;
4. **That there is no maintenance issues pending between the parties.**
5. That four (4) years have passed from the date of separation between the parties and there is no reasonable prospect for them to reconcile;
6. **Therefore all the criteria according to law concur for the divorce of SD and IKA to be granted according to Article 66B of the Civil Code, Chapter 16 of the Laws of Malta;**

Therefore the applicant humbly requests this Honourable Court to:

- I. **DECLARE** that the marriage of the applicant SD and IKA is no longer in force and the parties are divorced for all intents and purposes according to law ;

II. **ORDERS** the Registrar of Courts so that in the allotted time given by the Court notifies the Director of Public Registry with the divorce of the parties so this is registered in the Public Registry.

And this under every other provision that this Honourable Court deems fit to provide in the circumstances.

With expenses divided by the parties in equal measure.

Having seen the Reply of I KA , dated 4th August 2023 ;

Humbly submits:

1. That first and foremost, the defendant declares that she has no objection to the pronouncement of divorce between the parties by this Honourable Court;
2. That the defendant confirms the facts as premised in paragraphs one (1), two (2), three (3) and four (4) of the application;
3. That however defendant submits, with reference to paragraph five (5) of the application that, applicant is incorrect in stating that four (4) years have passed from the date of separation between the parties since, as indicated within the third (3) paragraph of the plaintiff's application, the contract of separation of the parties is dated the third (3rd) of June two thousand and twenty-three (2023);

4. That the above notwithstanding, defendant declares and submits that the parties have lived apart for a period of, or periods that amount to, at least one (1) year out of the preceding two (2) years, in the periods described below:
 - a. A couple of days after the celebration of the parties' marriage, the applicant did not live with the defendant for a period of five (5) months. The parties then reconciled on the twenty-eight (28th) of December of the year two thousand and twenty-one (2021);
 - b. Subsequently the parties separated again and ceased to live together as from the seventeenth (17th) of September of the year two thousand and twenty-two (2022), as declared in the deed of personal separation of the third (3rd) of June of the year two thousand and twenty-three (2023);
5. That therefore the parties have lived apart for a period of approximately fifteen (15) months and are, in any event, separated by public deed;
6. That defendant therefore declares that she has no objection to this Honourable Court pronouncing divorce between the parties, and humbly requests this Honourable Court to pronounce the dissolution of the marriage between the parties dated the thirty-first (31st) of July of the year two thousand and twenty-one (2021);
7. With expenses to be borne by plaintiff.

DECIDE:

Now, therefore, the Court;

Upholds the applicants' claim.

Declares the divorce of the marriage contracted between the parties
on the **31st July 2021**

Orders the Registrar of Courts to inform within ten (10) days the
Director of the Public Registry to register the divorce in the Public
Registry.

Without costs.

Term for leave to appeal abbreviated to one day.

Hon. Anthony Vella

Judge

Cettina Gauci- Dep Reg

