



**CIVIL COURT  
(FAMILY SECTION)**

**THE HON. MR. JUSTICE  
NOEL CUSCHIERI**

Sitting of the 4<sup>th</sup> November, 2008

Citation Number. 153/2008

**A B  
vs  
C B**

**The Court,**

Having seen the sworn application whereby plaintiff premised: that on the 21<sup>st</sup> of April 2007 the parties contracted marriage when she was already five months pregnant; that after a very short conjugal life, cohabitation between the parties ceased; that the marriage is null and void on the grounds that the matrimonial consent of the parties was defective at law in terms of paragraphs [c][d] and [f] of article 19[1] of Chapter 255 of the Laws of Malta;

Having seen that defendant, though duly notified, failed to lodge a sworn reply, though in his evidence he declared his position to be in favour of plaintiff's request;

Informal Copy of Judgement

Having seen all the records of the proceedings, including the affidavit presented;

Having heard the parties on oath;

Having considered;

### **The Action**

That by virtue of the present action plaintiff is seeking an annulment of her marriage to defendant on the grounds of a defect in the matrimonial consent of both parties, according to the afore-mentioned provisions of law. On his part, defendant is agreeing to plaintiff's request.

### **The Facts**

That the parties got married on the 21<sup>st</sup> April 2007. At that time, plaintiff who was 19 years old, was already five months pregnant with defendant's child.

Prior to the marriage the parties have lived together for about two years, and had no intention of getting married were it not for the fact that, plaintiff, although she was on the pill, got pregnant with defendant's child. This sudden and unexpected news was received with shock by both parties, since they were not prepared for parenthood. In fact, as stated in her affidavit, plaintiff was alarmed and frightened, and as a result, she submitted to pressure exercised by her mother to marry defendant, so that the child will have support from his father. She says: "Before the marriage my mother urged me to get married, and she told me that I must marry C, as she had no money to support me and the baby."

Both parties were not sure of their relationship, and in fact a month before the marriage defendant had expressed his wish to end the relationship. This had an alarming effect on plaintiff who became very upset. She says: "So I called C and he apologised, but he told me that he did not want to marry at all. I was so distraught and desperate, that I decided to end my life, and so took an overdose of pills. I was taken to Saint Luke's hospital and had my stomach pumped which was very traumatic." In his

evidence defendant confirmed that he did not want to marry plaintiff but was eventually pressurized into doing so by her mother; and so he took a “half-hearted” decision and agreed to marry plaintiff.

From the very beginning, it became clear that the responsibilities of married life were proving to be too burdensome on the couple, particularly as defendant, showed himself reluctant to help his wife. Plaintiff did not have a job and remained at home looking after the baby and the house, whilst defendant was out on work for most of the day. The parties could not settle down, and their short married life was characterized by constant bickering. Eventually married life became very difficult, and in October of the same year, after less than seven months from the marriage, the parties separated.

### **Considerations of the Court**

From the above picture, it emerges quite clearly that both parties were not prepared for marriage and lacked the required judicial discretion to contract marriage in terms of the first part of paragraph [d] afore mentioned; and consequently their marriage is null and void at law.

### **Decide**

For the above reasons, the court accedes to plaintiff's request and declares the marriage contracted by the parties on the 21<sup>st</sup> of April 2007 to be null and void according to law. The expenses are to be borne equally by the parties.

**< Final Judgement >**

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