



**QORTI CIVILI
(SEZZJONI TAL-FAMILJA)**

**ONOR. IMHALLEF
NOEL CUSCHIERI**

Seduta tad-29 ta' Marzu, 2012

Citazzjoni Numru. 160/2011

Number on list: 20

**Z R X T
VS
B X T**

The Court,

Having seen the sworn application by virtue of which plaintiff premised: that the parties got married on the 28th June 2007 in Jamaica and was subsequently registered in the Public Registry in Malta on the 24th October 2007, and that no children were born of this marriage; that the marriage is null in terms of paragraphs [c] and [d] of article 19[1] of Chapter 255 of the Laws of Malta; and in view of this, plaintiff is requesting this court to declare her marriage with defendant null and void at law, with costs against the latter;

Having seen that defendant, though duly notified with the acts of the case failed to file a sworn reply;

Having seen the records of the proceedings, including the parties' affidavits;

Having considered:

The Action

That by virtue of the present action, plaintiff is requesting this court to declare null and void at law her marriage to defendant, contracted on the 28th June 2007 in Jamaica and subsequently registered in the Public Registry in Malta on the 24th October 2007, on the grounds contemplated in the aforementioned articles of law.

The Facts

From the evidence it results that plaintiff, a Jamaican national, married defendant, a Maltese national, on the 28th June 2007 in Jamaica, [subsequently registered in the Public Registry in Malta on the 24th October 2007], after having met on a vacation in England. The parties kept corresponding, and eventually decided to go on a trip to Jamaica so that plaintiff would visit her family. During the stay in Jamaica the defendant proposed, and the plaintiff taken unawares accepted.

The parties never discussed any fundamental components of marriage and married life, such as children, where to live or work. The plaintiff's family was not in favour of this marriage in view of the fact that the parties decision was rash. None of the defendant's family attended the marriage.

After the parties got married the defendant returned to Malta alone and was eventually joined by the plaintiff. However, when the parties started living together as husband and wife having to deal with the realities of a marriage, the union soon ended after a few months and the parties parted ways.

Considerations of the Court

From the above picture it emerges quite clearly that the parties were incapable of assuming their matrimonial obligations arising from a union directed towards the reciprocal well being of both parties, the procreation of children and their upbringing. They was incapable, or unwilling, to establish a community of love and life together.

From the above, the Court concludes that plaintiff's request is justified in fact and at law in terms of paragraph [d] of article 19[1] of Chapter 255, which *caput nullitatis* exists in respect of both parties.

Decide

On the strength of the above, the Court accedes to plaintiff's request, and declares her marriage to defendant, contracted on the 28th June 2007 in Jamaica and subsequently registered in the Public Registry in Malta on the 24th October, 2007 to be null and void at law.

Parties are to bear their own costs.

< Sentenza Finali >

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