



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

**ONOR. IMHALLEF
NOEL CUSCHIERI**

Seduta tat-3 ta' April, 2012

Citazzjoni Numru. 326/2009

Number on list: 29

**AH
vs
YB**

The Court,

Having seen the sworn application by virtue of which plaintiff premised: that the parties got married on the 25th September 1999, and from this marriage they have one child, named <minor's name>, born on the 21st. December 2000; that the parties' matrimonial life is no longer possible on account of defendant's adultery, cruelty, excesses and grave injuries; that plaintiff was duly authorized to file these proceedings according to law; on the strength of the above, plaintiff is requesting this Court [1] to declare the personal separation between the parties

for causes attributable to defendant, and to establish a relative date for the purposes of section 48[c] of the Civil Code; [2] to authorise plaintiff to live separately from defendant; [3] to entrust plaintiff with the care and custody of the minor child; [4][5] to order defendant to pay plaintiff a just and adequate allowance for the needs of the minor child; [6] to apply Article 48 against defendant; [7] to order defendant to consign to plaintiff his dotal and paraphernal property; [8][9] to dissolve, liquidate and assign the community of acquests; [10] to authorize plaintiff to occupy the matrimonial home, to the exclusion of defendant; [11] to authorize the registration in the Public Registry of the judgement eventually delivered by this Court; with costs;

Having seen the sworn reply by virtue of which defendant denies plaintiff's allegations made in her regard, whilst opposing his requests, save for those numbered [1],[2],[11];

Having seen the sworn counter-claim filed by defendant, inserted at fols. 31 to 33 of the acts, a copy of which is being hereby attached and is to be considered as forming an integral part of this judgement [Appendix A];

Having seen the sworn reply filed by plaintiff to the said counter-claim, inserted at fols. 42 to 45 of the acts, a copy of which is being hereby attached and is to be considered as forming an integral part of this judgment [Appendix B];

Having seen the declaration made by the parties during today's sitting, in the sense that on the 2nd of April 2012 the parties have signed a contract of personal separation, containing also a settlement of the care and custody issue and the patrimonial issues;

Having seen the judgement given today, whereby this Court has authorized the conversion of the demand for personal separation into one for divorce;

Having seen all the records of the case;

Kopja Informali ta' Sentenza

Having heard the evidence on oath;

Having considered;

That the parties were married on the 25th September 1999, and from this marriage the child <minor's name> was born on the 21st December 2000.

That the parties have encountered matrimonial problems, and as a result have been living apart for a period of more than four years;

That the conditions stipulated in Article 66B of the Civil Code have been satisfied, and that the demand for divorce is considered justified in fact and at law.

For the above reasons, the Court accedes to the first and second demand made by plaintiff, and to the first and third demand made by defendant in her counter-claim, limitedly by pronouncing the divorce between the parties, whilst abstaining from taking further cognizance of the parties' other demands. Also, the Court orders that the Court Registrar to inform, within a period of one month, the Director of Public Registry for the relative registration in the Public Registry according to law.

Parties are to bear their own costs.

< Sentenza Finali >

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