



MALTA

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

**ONOR. IMHALLEF
ABIGAIL LOFARO**

Seduta ta' l-20 ta' Awwissu, 2014

Rikors Numru. 169/2014

AB

-vs-

CD

The Court,

Having seen the application by virtue of which applicant premised:

1. That the spouses got married on the thirteenth (13th) day of January of the year one thousand nine hundred and ninety nine (1999) in Manhattan, 1 Centre Street, New York in the United States of America and from this marriage they had one child J, who was born on the twenty ninth (29th) day of July of the year one thousand nine hundred and ninety nine (1999);
2. That the said spouses separated from each other by a contract of separation published in the acts of Notary Doctor Liza Schembri on the 29th August 2012 (Document GL 1). Although as stated, the contract of separation between the spouses was published less than four (4) years ago, the spouses had been living apart since December of the year two thousand and nine (2009) although there was a period of time when the parties were living together in the former matrimonial home, though never as a married couple;
3. That as it results from the said contract of separation, the spouses had renounced from their respective rights to receive maintenance from each other on account of the fact that parties have a steady job; Furthermore the maintenance due to their minor daughter was regulated in the said contract of separation and meticulously observed by the parties;
4. That there is no reasonable prospect that the parties will reconcile;
5. Therefore, the conditions mentioned in Article 66B of Chapter 16 was satisfied, and in view of the fact that the spouses by means of a contract of separation, there is no need that a mediation is held between them;

The applicant requests that in terms of the dispositions in Article 66B of Chapter 16 that this Honorable Court after hearing the parties as intended in Article 66C of Chapter 16 and in order to be established the existence of the conditions mentioned in Article 66B, pronounces the divorce between the parties as intended in the said Article 66C;

With expenses;

Having seen the documents which were exhibited;

Kopja Informali ta' Sentenza

Having seen its previous decree dated 13th May, 2014;

Having seen that defendant, duly notified, did not present a reply;

Having seen Section 66 B of Chapter 16 of the Laws of Malta;

Having seen all the acts;

Considers that applicant successfully satisfied all the conditions required by Law so that a marriage be dissolved since he proved that parties have been legally separated since the 29th August 2012, but the parties have been living apart since December of the year two thousand and nine (2009);

Applicant also proved that there is no reasonable prospect that the parties can reconcile and that there is no maintenance due between the parties;

Therefore the Court accedes to the request, declares that the marriage between the parties is dissolved and orders the Court Registrar to inform the Director of the Public Registry within one month from today with the dissolution of the parties' marriage so that it will be duly registered in the Public Registry;

The Court orders that each party is to bear its own costs.

< Sentenza Finali >

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