



**CIVIL COURT
(FAMILY SECTION)**

JUDGE

**Hon. Abigail Lofaro LL.D., Dip. Stud. Rel.,
Mag. Jur. (Eur. Law)**

Today, 12th January, 2016

Application number : 467/15 AL

AB

and

CBD

The Court,

Having seen the party's joint application which confirmed by applicants upon oath, by virtue of which they premised:

That the parties contracted marriage on the 27th February 1999 as can be shown from the marriage certificate herewith attached and marked Doc. A.

That from this marriage the parties had a son XBD who was born on the 27th July 1999 and is still a minor.

That the parties have been legally separated since the 16th January 2014 as can be shown from the attached contract of separation dated 16th January 2014 acts Notary Dr. Joe Cilia herewith attached and marked Doc. B but have been living apart for more than three years prior to the date of the contract of separation so that they have been in all separated for almost five years.

That there is no reasonable prospect of reconciliation between the parties and each of them leads a separate life independent of one another.

That there are no arrears of maintenance to their minor son since the maintenance was paid in one lump sum as part of the set off for the assignment of the husband's share of the matrimonial home to the wife (para 10 Doc B refers).

That the parties renounced to their respective rights to claim and receive maintenance from one another (para 2 of the separation contract Doc. B).

That these facts satisfy the conditions established by art 66B of the Civil Code for the attainment of divorce.

The applicants requests that :

1. That the Court pronounces the divorce of the parties;
2. That the Court authorizes the wife to revert to her maiden surname "Caruana";
3. That the Court orders the Registrar of Court to notify the Director Public Registry with the pronouncement of divorce of the parties and with the wife's return to her maiden surname "Caruana" so that such changes will be registered in the Public Registry.

Having seen all the documents which were exhibited;

Having seen its decree dated 12th November, 2015;

Having seen all the evidence;

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

Having seen all the acts;

Considers :

That applicants successfully satisfied all the legal requirements so that they be granted divorce since they proved that they have legally separated on the 16th January 2014 but have been living apart for more three years prior to the date of the contract of separation so that they have been in all separated for almost five years;

Applicants also proved that there is no reasonable prospect of reconciliation between them and that there is no maintenance due between the parties;

Therefore the Court grants the request, pronounces the divorce of the parties, authorizes the wife to revert to her maiden surname 'Caruana' and orders the Registrar of Court to notify the Director of the Public Registry with the pronouncement of divorce of the parties and with the wife's return to her maiden surname 'Caruana' so that such changes will be registered in the Public Registry.

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