



**IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.13 OF
2026**

MICHAEL FERNANDES
VERSUS
THE STATE OF GOA AND 2 OTHERS

Mr. A. Gomes Pereira, Advocate for Applicant.

Mr. Geetesh Shetye, Additional Govt. Advocate for Respondent No.1 and 2.

Ms. Prachita Kalangutkar, Advocate for Respondent No. 3.

**AND
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.18 OF
2026**

SELIA ANGELA ESMERALDA FERNANDES
VERSUS
MICHAEL FERNANDES AND OTHERS

Ms. Prachita Kalangutkar, Advocate for Applicant.

Mr. A. Gomes Pereira, Advocate for Respondent No.1

Mr. Geetesh Shetye, Additional Govt. Advocate for Respondent No.2

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 10th SEPTEMBER, 2026**

FINAL ORDER:-

1. The present applications are filed under Chapter XIII of Portuguese Code of Civil Procedure, 1939 r/w Sections 13 and 14 of Civil Procedure Code for review and confirmation of divorce decree dated 16.01.2026 passed in Case No.1743-3711-9819-0048 by HM Courts & Tribunal Services (hereinafter referred as 'Foreign Court'). The applicant further seeks direction against Civil Registrar-cum-Sub Registrar of Tiswadi, Panaji, Goa to cancel marriage registration No.302/2001 from Marriage Registration Book of year 2001 between

husband and wife who are applicant and respondent in respective applications.

2. The applicant-wife states that her marriage was solemnized with respondent in State of Goa and marriage is registered before Civil Registrar-cum-Sub Registrar of Tiswadi, Panaji, Goa. Since personal differences arose between applicant and respondent, they filed divorce proceeding before HM Courts and Tribunal Service, Sitting in the Family Court, Case No.1743-3711-9819-0048, wherein conditional order was passed on 03.12.2025, which was made final on 16.01.2026, thereby certifying that marriage solemnized on 14.02.2001 at Civil Registrar-cum-Sub Registrar of Tiswadi, Panaji, Goa between applicant and respondent has legally ended. It was registered against Entry no. 302/2001. The applicant and respondent in respective applications have tendered notarized copies of original marriage certificates along with final order dated 16.01.2026

3. Heard learned Advocates appearing for respective parties.

4. Apparently, Foreign Court ordered and decreed that applicant and respondent in respective applications are divorced from bonds of matrimonial vide final order dated 16.01.2026. Article 1100 of Portuguese Code of Civil Procedure stipulates that no judgment on private rights, passed by Foreign Court or Foreign Arbitrators, shall

have effect in Portugal, regardless the Nationality of parties without Foreign judgment having been reviewed and confirmed. Article 1101 prescribes that review and confirmation lie before High Court having jurisdiction at the place at which person against whom judgment is sought to be enforced is domicile or resides. If such a person has no domicile or residence in Portugal, High Court within whose jurisdiction, the petitioner is domicile or resides shall have jurisdiction. Article 1102 stipulates requisites necessary for confirmation.

5. The documents tendered before this Court demonstrates that applicant and respondent are originally residents of Goa. Their marriage was solemnized on 14.02.2001 and registered with Civil Registration Office at Tiswadi, Panaji, Goa. In case of ***Saturnino Epfanio Ralph Barros Vs. Tina Noronha Barros¹***, this Court held that Article 1102 of PCCP stood repealed with coming into force Section 13 of Code of Civil Procedure, 1908. However, Article 1100 continues to have force of law.

6. The notarized copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. Apparently, marriage between applicant and respondent is dissolved by way of consent decree. Considering that divorce by mutual consent is available under law of divorce applicable in State of Goa, there is no

¹ 1997 (2) Goa L.T. 343.

reason to refuse confirmation of divorce granted by Foreign Court.

Hence, following order:

ORDER

- a. Miscellaneous Civil Applications are allowed.
- b. The judgment and decree of divorce dated 16.01.2026 passed by HM Courts and Tribunal Service, Sitting in the Family Court in Case No. 1743-3711-9819-0048 is confirmed.
- c. Applicants shall be at liberty to approach Respondent No.2 to cancel Entry No.302/2001 from Marriage Registration Book of year 2001 between applicant and respondent.
- d. Miscellaneous Civil Applications stand disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE