# IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO. 484 OF 2014

ABHAY FATERPENKAR ... Appellant
Versus
VIMALATA ABHAY FATERPENKAR ( WIFE ) NEE VIMALATA VASSANTA SAUNTO ... Respondent

Mr. S. D. Lotlikar, Senior Advocate with Ms. G. Xettigar, Advocate for the applicant.
Mr. R. G. Ramani, Advocate for the respondent.

Coram:- M. S. SANKLECHA, J.

Date:- 29th April, 2015

P.C.

This application has been filed to direct the Civil Registrar of Bardez at Mapusa to cancel the registration of the applicant's marriage with the respondent, entered against entry No.789/1997 in the Marriage Registration Book for the year 1999 of the office of the Civil Registrar of Bardez at Mapusa.

2. The Federal Magistrate's Court of Australia at Hobart passed a decree of divorce between the applicant and the respondent. In view of the aforesaid decree of divorce, the applicant seeks a direction to the Civil Registrar to cancel the registration of marriage under the Goan Law.

3. Mr. Ramani, the learned Counsel appearing for the respondent has no objection to the same. However, he points out that the Australian Court, while granting certain interim reliefs, had observed that those reliefs would be in full and final settlement of the

respective rights of the parties in respect of the property/ maintenance, etc.

4. In the above view, the respondent has filed an affidavit dated 13/04/2015, inter alia, pointing out that under the Family Laws of Goa, Daman and Diu, she is entitled to equal division of the properties and the order dated 03/10/2002 of the Australian Court should not estop her from claiming her rights under the Family Laws existing in this State.

5. It is made clear that the cancellation of registration of Marriage of the Civil Registrar on the basis of the decree of divorce by the Australian Court would not in any manner affect any rights, which the respective parties have under the law of this State with regard to the property and other matters.

6. With the above observations, this application is allowed in terms of prayer clause (a).

M. S. SANKLECHA, J.

SMA