

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO. 751 OF 2016

MR. CONRAD SAVIO NORONHA.,	... Appellant
Versus	
MS. MARIA DIAS.,	... Respondent

Adv. Ketaki L. Pednekar for the Applicant

Coram:- C. V. BHADANG, J.

Date:- 1st February, 2017

P.C.:

This is an application for ratification of a Decree of Dissolution of Marriage passed by the Family Court at Mumbai.

2. The brief facts are that the respondent/wife filed a matrimonial petition no.A-662/2011 against the petitioner before the Family Court at Mumbai. A perusal of the judgment and decree dated 21/9/2013 passed by the Family Court would show that the petitioner remained absent and the matrimonial petition was proceeded ex parte against the present petitioner and the marriage was dissolved by the decree of dissolution of marriage under section 10(1)(ix) and 10(1) (x) of the Divorce Act. The applicant is seeking ratification of this decree.

3. Notice was issued to the respondent on the address mentioned in the matrimonial petition. The notice has been received back with a report that the mother of the respondent refused to accept

the notice saying that the respondent has gone abroad.

4. The learned counsel for the petitioner submits that as the decree of dissolution was passed at the instance of the respondent, the same be ratified.

5. In the present case it does appear that it was the respondent who had sought dissolution of marriage before the Family Court and an ex parte decree came to be passed against the petitioner. Furthermore, the petitioner had made attempt to serve the respondent at her last mentioned address, which the respondent had furnished before the Family Court. The Decree of Dissolution of Marriage is granted under section 10(1)(ix) and 10(1) (x) of the Divorce Act. In other words, the Decree of Dissolution of Marriage has been granted on the ground of desertion and cruelty which are grounds available as per the law applicable in the State. Considering the overall circumstances and the fact that the Decree of Dissolution of Marriage is passed at the instance of the respondent, I find that the Decree can be ratified. In such circumstances, the application is allowed in terms of prayer clauses (a) and (b).

C. V. BHADANG, J.

ap/-