

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
MISCELLANEOUS PETITION NO. 2 OF 2016**

Jose Maria Francisco Remedios	...Petitioner
<i>Versus</i>	
Helena Philip Fernandes	...Respondent

Mr Mayuresh Lagu, *with Girish J Paryani, for the Petitioner.*
Mr Ashutosh R Gole, *for Respondent No.1.*

CORAM: G.S. PATEL, J
DATED: 16th July 2018

PC:-

1. The petition seeks an order that the foreign judgment and decree of the Leicester County Court be recognised and confirmed in terms of the Portuguese Civil Procedure Code 1939.

2. The parties were married on 3rd January 2006 at Daman under the provisions of the Portuguese Civil Code. Their marriage was entered in the civil register at Daman on that date under Entry No.01/2006.

3. The parties then lived together as man and wife in the United Kingdom.

4. The Petitioner applied for a dissolution of a marriage to the Leicester County Court on 22nd November 2010 in Case No.LE10D00875. A decree absolute was issued on that date, on that Court being satisfied the marriage had irretrievably broken down and that the parties had been separated for more than two years, and that this was a fact duly proved.

5. It is submitted that this decree has become final and that it is not invalid under Section 13 of our own Code of Civil Procedure 1908 (“CPC”). The Petitioner seeks that the decree granted by Leicester County Court therefore be confirmed and recognised and that the Civil Registrar, Daman be directed to cancel entry No. 01/2006 of the parties’ marriage.

6. There is an Affidavit in Reply by the Respondent in which she confirms the correctness of what is stated in the Petition and consents to the grant of an order.

7. The Petition is made absolute in terms of prayer clauses (a) and (b) which read as follows:

(a) by an order of this Hon’ble Court the Decree granted by Leicester County Court on 22nd November 2010 in matter NO.LE10D00875 be REVISED AND CONFIRMED OR RECOGNISED and that the same shall produce all its legal effects in India.

(b) by an order of this Hon’ble Court the Civil Registrar, Daman and/or any other competent Civil Registration Office in Daman be directed to make cancellation of Entry No.01/2006 and/or necessary endorsement of the Divorce

Decree in the margin of the marriage certificate of the
Applicant/Petitioner registered under Entry No.01/2006.

(G. S. PATEL, J)