

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO. 843 OF 2018

SHAKEERA LEONA PEREIRA, REP. BY
SUZANA ANTONIA PIEDADE DIAS
LAURENTE @ SUZANA A. P. L.
PEREIRA.,

... Appellant

Versus

ROLAND PAIXAO IGNUTIUS SEQUEIRA., ... Respondent

Adv. Somnath B. Karpe with Adv. Vaigankar S. Madhukar for
the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 17th September, 2019

P.C.:

This is an application for confirmation of the judgment dated 14/10/2016 passed by the Superior Court of California, County of Orange (U.S) in Case No.14 D 004037 dissolving the marriage between the parties by a decree of divorce. That was a petition filed by the respondent/husband against the applicant/wife for dissolution of marriage. A copy of the judgment is produced on record. The respondent has chosen not to appear although served.

2. Mr. Karpe, the learned counsel for the applicant has today produced a copy of the petition filed before the Superior Court of California, (County of Orange), which shows that the ground on

which the dissolution was sought was irreconcilable differences. The learned counsel has pointed out Sections 2310 and 231 of the California Family Code. It is pointed out that as per Section 2311 of the said Code, irreconcilable differences are those grounds which are determined by the Court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved. It is submitted that there were acts of assault and cruelty against the applicant.

3. It appears that the judgment regarding dissolution of marriage is passed by the competent court in a petition filed by the respondent and the ground as has been held sufficient for dissolution of marriage cannot be said to be against against public policy of the law which is applicable here. The respondent has also chosen not to contest the petition. At the cost of repetition, it needs to be stated that it was the respondent who had sought dissolution of marriage and thus in all probability he may not have any objection for the confirmation of the decree passed. In such circumstances, the application is allowed in terms of prayer clauses (a) and (b).

C. V. BHADANG, J.

ap/-