

IN THE HIGH COURT OF BOMBAY AT GOA**MISC.CIVIL APPLICATION (MAIN) NO. 28 OF 2020****AMANDA VIRGINIA FERNANDES, REP.
HEREIN BY LAWFUL ATTORNEY,
MARCELINA MASCARENHAS.,****... Appellant****Versus****NANCET NAZARET MARQUES AND ANR.,****... Respondents**

Adv. Ryan Da Piedade Menezes, for the Appellant.

Adv. Kholkar Neha Umesh for Respondent no.2

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 16th October, 2020.****P .C.:**

The marriage of the applicant and the first respondent was solemnized on 14/12/2016 in Goa. Later, differences arose. In August 2018, the applicant applied to the Ecclesiastical Court under the Canon law for the dispensation of the bond of marriage i.e. annulment of the marriage. That was granted ex parte. That order had the approval of Rome as well. Later, both parties, though separately, moved out to the United Kingdom where they presently live.

2. In the United Kingdom, before the Glasgow Sheriff Court and Justice of the Peace Court, the first respondent is said to have applied for dissolution of marriage. That was also granted. Now, the applicant filed this miscellaneous civil application seeking those reliefs:

A) That this Hon. Court be pleased to ratify and confirm

the Extract Decree dated 17/9/2019 of divorce, of the Hon. Glasgow Sheriff Court and Justice of the Peace Court, at Glasgow, Scotland, United Kingdom, in the case bearing Court Reference No.GLW-F1000-19, by which the marriage between the applicant and respondent no.1 dissolved, with all its legal effect and consequences, and producing all its legal effects and/or consequences in India;

B) That in consequence of the grant of prayer clause "A", herein above, this Hon. Court may be pleased to direct that respondent no.2, the Civil Registrar cum Sub Registrar of Mormugao, at Vasco da Gama, Goa to cancel the registration/entry of the registration of the marriage between the applicant and respondent no.1 vide No.870/2016, in the register of marriage at the office of the Civil Registrar cum Sub Registrar of Mormugao, at Vasco da Gama, Goa.

C) That this Hon. Court be pleased to dispense with the protection of the original of the Extract Decree dated 17/9/2019, of the Hon. Glasgow Sheriff Court and Justice of the Peace Court, at Glasgow, Scotland, United Kingdom, in the case bearing Court Reference No.GLW-F1000-19, to dissolve the marriage between the applicant and respondent no.1 and to permit the applicant to produce a notarized/attested true copy thereof."

D) For such other orders this Hon'ble Court may deem fit and proper in the interest of justice.

3. The applicant is said to have served a notice on the respondent through e-mail. Later, the respondent has communicated to the Registry

that he has no objection if the applicant's application is allowed. The Registry's note in that regard reads as follows:

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Placed herewith is an email dtd. 28.9.2020 filed by the respondent no.1, stating that he does not wish to appear and contest the present matter/proceedings and that the respondent no.1 has no objection to the said application being granted by the Hon'ble High Court.

Placed for necessary directions/order.

Sd/-
(Clerk)

Respectfully submitted (S. O. (J)).

Divorce petition as granted by Glasgo Sheriff Court and Justice of the Peace Court, at Glasgow, Scotland, United Kingdom, filed before this Hon'ble Court for ratification of Judgment/Divorce Decree dtd. 17/9/2019 and registered as MCAM 28/2020, before this Hon'ble Court by the petitioner-wife.

Now, Respondent no.1 has given no objection if this Hon'ble Court ratifies the above said Decree dated 17/9/2019.

Hence, if approved, we may place the e-mail application before this Hon'ble Court with proper gist on farad sheet for suitable directions/orders.

Submitted with respects.

Sd/-
(S. O. Judicial)

4. Under these circumstances, I allow this Misc. Civil Application as prayed for.

5. Accordingly, the second respondent may complete the cancellation of registration expeditiously within one month from the date the learned authority receives the copy of the order.

DAMA SESHADRI NAIDU, J.

ap/-