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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO.975 OF 2019

ERMELINDA FERNANDES	... Applicant.
VS	
EDWIN OLIVER ANTHONY	
VIEGAS AND ANR.	... Respondents.

Mr. Z. D'Sousa, Advocate for the Applicant.

Mr. S. P. Munj, Addl. Govt. Advocate for the respondent. no.2.

CORAM: MANISH PITALE, JJ.

DATED: 12th January 2022.

P.C:

1. This is an application for cancellation of marriage registration as a consequence of a decree of dissolution of marriage passed by the concerned Court in Italy. It is the case of the applicant that marriage between the applicant and the respondent no.1 was solemnized on 3.1.2001 at Goa. Thereafter the couple resided at Italy. But, due to alleged ill-treatment by the respondent no.1 and due to the fact that he abandoned the applicant and the children, she was constrained to move the concerned Court at Italy for grant of dissolution of marriage. The decree of dissolution was passed on 1.3.2018 and later corrected on 12.7.2018. The applicant is seeking a direction to the respondent no.2 i.e Civil Registrar, Panaji for cancellation of

marriage registration.

2. This Court issued notice in the present application wherein Mr. S. P. Munj, learned Addl. Govt. Advocate waived notice on behalf of respondent no.2. The respondent no.1 was served, yet he chose not to appear before this Court. On 4.1.2022, this Court passed an order observing that if on the next date also the respondent no.1 chooses not to appear before this Court, the application could be considered for final disposal.

3. Heard learned Counsel appearing for the applicant and the learned Addl. Govt. Advocate for the respondent no. 2. This Court is convinced that prayer made in the present application deserves to be granted. Hence, application is allowed in terms of prayer clause(a) which reads as follows:-

“(A) This Hon'ble Court be pleased to direct the Respondent no.2 herein to cancel the Marriage Registration of the Applicant and the Respondent no.01 against Entry No.708/2001 of the Marriage Registration Book for the year Two Thousand and One in the Office of the Civil Registrar, Ilhas, Panaji, Goa and delete the said Entry in respect of the Applicant's Marriage solemnized on 03.01.2001.”

4. The respondent no.2 is directed to cancel the marriage registration as prayed by the applicant within a period of six weeks from today, provided that the applicant makes a formal application

before the respondent no.2, within a period of two weeks from today.

MANISH PITALE, J.