

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO. 151 OF 2020

IVON REISCO FERNANDES., ... APPELLANT
VS
EMILIA SZILAGYI AND ANR., ... RESPONDENTS

Mr. Sahil Sardesai, Advocate for the Appellant.

Mr. Shubham Priolkar, Additional Government Advocate
for Respondent No. 2.

CORAM: C.V. BHADANG, J.

DATED: 20 APRIL 2022

ORAL ORDER:

This is an Application for confirmation of a foreign decree,
passed by the competent Court in Romania on 20.06.2019.

2. The appellant was married to the first respondent on
12.07.2012 in Goa, which marriage is registered at entry
bearing No. 1533/2012 before the Civil Registrar, Salcette,
Margao, Goa.

3. The first respondent filed a Petition for dissolution of marriage before the competent Court at Gheorgheni, District of Harghita, Romania under proceedings bearing No. 1910/234/2017 and as per the Decree dated 20.06.2019, the marriage has been dissolved.

4. I have heard the learned Counsel for the appellant.

5. The first respondent could not log in via video conferencing due to technical difficulty. However, the appellant has filed an affidavit dated 14.03.2022 enclosing a copy of the e-mail dated 12.03.2022, from the first respondent, intimating that she has no objection for grant of the Petition as she has remarried and is settled in life. Even otherwise, the divorce was sought by the first respondent and thus, she may not have any objection for such confirmation.

6. The learned Counsel for the appellant has placed reliance on the decision of this Court in **Dr. Roy Andre Sales de Andrade & Another Vs. the State of Goa & Another, (1996) 5 Bom CR 551**, in order to submit that in a similar case of consensual divorce, this Court had directed confirmation finding that the ground on which the divorce was obtained is not opposed to the public policy in this Country and that the judgment was pronounced by the competent Court.

7. In this case also, it is not in dispute that the decree has been granted by the competent Court in Romania and the marriage was dissolved.

8. Considering the overall circumstances, the Miscellaneous Civil Application (Main) No. 151/2020 is allowed in terms of prayer clauses (A) and (B), which read as follows:

[A] That this Hon'ble Court be pleased to direct the Respondent No. 2 herein to cancel the Marriage Registration between the Applicant and the Respondent No. 1 solemnized on the 12th of July 2012 and registered against entry bearing No. 1533/2012 on page 133 of the Marriage (8) Registration Book for the year Two Thousand and Twelve, before the Civil Registrar, Salcete at Margao-Goa i.e. the Respondent No. 2.

[B] That this Court be pleased to grant the Petitioner confirmation of decree of dissolution of marriage, granted by the Foreign Court of Romania in final judgment/civil judgment No. 1449/2019 dated 20/06/2019 in the peculiar facts and circumstances of the case.

C.V. BHADANG, J.