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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO. 2 OF 2023

MRS. KAMAT SHANKHWALKER DEEPA RAHUL	...	APPLICANT
Vs.		
MR. SHANKHWALKER RAHUL KAMAT DAMODAR	...	RESPONDENT

Mr. Venkatesh Ameya Nayak Salatry, Advocate for the Applicant.

Mr. Jatin Ramaiya, Advocate for the Respondent.

CORAM: B.P. COLABAWALLA, J.

DATED: 2nd MARCH 2023

ORAL ORDER:

1. The present Application seeks confirmation of the foreign decree of divorce dated 27.04.2022 between the Applicant-Wife and the Respondent-Husband. This Application is filed under Article 1101 of the Portuguese Code of Civil Procedure, 1939 read with Section 13 of the Code of Civil Procedure, 1908, praying for confirmation of the judgment and decree dated 27.04.2022 [Final Judgment] of the Family Justice Courts of the Republic of Singapore in Case No: FC/D2944/2021.

2. Vide final judgment dated 27.04.2022, the Family Justice Courts of the Republic of Singapore dissolved the marriage between the Petitioner and the Respondent which was solemnized in the State of Goa. The copy of the final judgment dated 27.04.2022 is placed on record. The learned Counsel for the parties submit that the parties were granted divorce on mutual consent.

3. The learned Counsel for both the parties in tandem submitted that the grounds on which such decree/final judgment was made are also the grounds recognized and acceptable under the laws in India including under the Portuguese Code of Civil Procedure, 1939.

4. The learned Counsel for the Applicant and the learned Counsel for the Respondent have stated across the bar that the facts and circumstances involved in the present case are similar to the facts in the unreported judgment of this Court in the case of **Delfina Gonsalves Vs. Felix Gonsalves [Misc Civil Application (Main) No. 4 of 2022 decided on 06.12.2022]** and the judgment rendered therein is squarely applicable to the present case.

5. Considering that the parties are in tandem with each other and have no objection to confirmation of the final judgment dated 27.04.2022 and considering the law laid down by this Court in the case of **Delfina Gonsalves** (supra), I am of the view that the decree passed by the Family Justice Courts of the Republic of Singapore would be required to be declared to be final and conclusive. Consequently, the parties have become entitled to the reliefs prayed for in the Application.

6. The Application, therefore, deserves to be partly allowed in the following terms:

(a) The Miscellaneous Civil Application (Main) is partly allowed and this Court confirms the judgment dated 27.04.2022 for dissolution of marriage in proceeding bearing Case No.: FC/D 2944/2021 passed by the Family Justice Courts of the Republic of Singapore, Singapore Courts, Government of Singapore thereby dissolving the marriage between the Petitioner and the Respondent.

(b) The Civil cum Sub-Registrar of Ilhas, Panaji, Tiswadi Taluka, Goa is directed to cancel the registration of marriage between the Petitioner and the Respondent recorded at Entry No. 128 of the Marriage Registration

Book for the year 2000, recorded vide Certificate of Marriage No. 593/2000, Receipt No. 40/176 dated 01.03.2000 in the Office of the Civil Registrar, Ilhas Panaji Tiswadi Goa.

7. The parties are permitted to present a copy of this order to the office of the Civil Registrar so that the Civil Registrar makes the necessary entry and endorsement in relation to the dissolution marriage of the Petitioner with the Respondent, in compliance with the present order.

8. The above Application is disposed of with no order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR
ESHA SAINATH

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