

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**MISCELLANEOUS CIVIL APPLICATION NO. 226 OF
2023
IN
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO. 1
OF 2021
AND
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO. 1
OF 2021**

MR. NEERAJ NITIN SINAI BORKER ... APPLICANT

Versus

MRS. RITIKA NEERAJ SINAI BORKER ... RESPONDENT

Mr. Somnath B. Karpe with Ms. S. Vaigankar, Advocates
for the Applicant.

Mr. Jitendra P. Supekar, Advocate for the Respondent.

CORAM: B.P. DESHPANDE, J.

DATED: 6th JULY 2023

P.C.

1. Heard Mr. Karpe, learned Counsel for the Applicant and
Mr. Supekar, learned Counsel for the Respondent. MCAM No. 1

of 2021 was filed by the Applicant (husband) claiming that the marriage between him and the Respondent (wife) was dissolved by a decree of divorce dated 08.04.2021 read with order dated 25.05.2021 passed by the State of Minnesota. He also prayed for a direction to the Civil Registrar of Salcete at Margao, Goa to cancel Entry No. 1704/2019.

2. The Respondent was served in the said matter, who objected to such prayers. However, in the meantime, the Respondent filed a Petition before the Family Court at Delhi vide Hindu Marriage Petition No. 352 of 2020 against the husband under Section 12(1)(a) of the Hindu Marriage Act seeking annulment of marriage. The said proceedings were referred to “Samadhan”, the Delhi High Court Mediation and Conciliation Centre. After deliberations, the parties settled the dispute vide Settlement Agreement dated 13.02.2023. Such settlement terms were then placed before the Delhi Family Court and vide order dated 17.03.2023, the learned Family Court declared the marriage between the Applicant and Respondent as null and void as per Section 12(1)(a) of the Hindu Marriage Act with effect from 17.03.2023.

3. The present Application (MCA No. 226 of 2023) is filed by the Applicant praying that in view of the decree of the Delhi Family Court, declaring the marriage between the Applicant and the Respondent as null void, the Civil Registrar, Salcete, Margao, Goa, be directed to cancel such registration against Entry No. 1704/2019.

4. The fact in the present matter is now clear that the Delhi Family Court has annulled the marriage and therefore, the Civil Registrar of Salcete, Margao is required to take note of such a decree passed by the Court in India. However, since both the learned Counsel insist that such a direction be given, Miscellaneous Civil Application No. 226 of 2023 is allowed in terms of prayer clause (a), which reads thus:

(a) That the above application bearing no. MCAM 1/2021 be disposed off as withdrawn with necessary instructions to the Civil Registrar of Salcete at Margao to give effect to decree of annulment to marriage and consequently to endorse cancellation of marriage as against the marriage registered on 29/11/2019 under No. 1704/2019 between the Applicant and the Respondent.

5. In view of the above, both, Miscellaneous Civil Application No. 226 of 2023 as well as Miscellaneous Civil Application (Main) No. 1 of 2021 stand disposed of.
6. All concerned to act on an authenticated copy of this Order.

B.P. DESHPANDE, J.