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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO.3 OF 2021

BELISCO MATIAS FRANCISCO
ROSARIO SEQUEIRA, REP. BY POA,
EMERCIANA BEMVINDA MATHIAS ... Applicant.

Versus

TRICIA SEBASTIANA DSOUZA ... Respondent.

Mr. Cliff Fernandes, Advocate for the Applicant.

Mr. Pavithran A.V. With Mr. P. Kholkar, Advocates for the Respondent.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 21 February, 2023

P.C:

Learned Counsel for the Applicant has handed over the memo along with the affidavit of the Applicant duly sworn in before the High Commission of India dated 03.05.2022.

2. On 15.03.2022, the Petitioner was directed to file affidavit as per para No.6 which reads thus:-

“6.i. The Petitioner shall file an affidavit withdrawing all the allegations made against the respondent. The affidavit will be duly affirmed before the Indian High Commission in United Kingdom and file the same before this Court on or before the next date.

ii. The learned Counsel for the petitioner shall forward contents of the affidavit by email at the earliest to the petitioner, so as to enable the petitioner to affirm and transmit the original affidavit to be filed in this Court. Copy of the affidavit to be served on the learned Counsel for the respondent in advance.”

3. Present proceedings are filed for confirmation of the Foreign Decree which is at page No.11 issued by Brentford County Court.

4. Since the Applicant has instituted Matrimonial Petition in Mapusa bearing No.52/2019 making allegations against the Respondent, which was subsequently withdrawn, directions were issued to the Petitioner as found in para No.6 above in order dated 15.03.2022. Accordingly, the affidavit filed today and more specifically para No.4 reads thus:-

“4. I say that I hereby unconditionally withdraw all the statements made by me against the Respondent in the Matrimonial Petition No.52/2019/A and pray that the Hon'ble High Court grant the Prayers as prayed for in M.C.A. (Main) No. 3/2021 before Civil Judge Senior Division at Mapusa.”

5. Learned Counsel for the Petitioner pointed out that draft of this affidavit was shown and confirmed by the Respondent and only thereafter was affirmed before the High Commission.

6. Considering the above development and withdrawal of the allegations unconditionally by the Applicant, prayer in the present proceedings including the amended prayer could be allowed.

7. The MCAM 3/2021 is allowed as per amended prayer (A) and (A1). Proceedings stand disposed of accordingly.

8. The original decree of the Foreign Court shall be returned to the Applicant on the condition that photocopy duly attested shall be placed on record.

BHARAT P. DESHPANDE, J.

JOSE
FRANCISCO
DSOUZA

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JOSE FRANCISCO
DSOUZA
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