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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO.8 OF 2023

SIDNEY FRANCIS RODRIGUES
REP BY ATTORNEY MARIA
CONCEICAO ALCINA RODRIGUES ... Applicant.

Versus

GRISELIA DO LIVRAMENTO
MARTINS AND ANR. ... Respondents.

Mr Rohit Bras de Sa, Advocate for the Applicant.

Ms Shaizeen Shaikh, Advocate for the Respondents.

CORAM: PRAKASH D. NAIK, J.

DATED: 6th November, 2023

ORAL ORDER:

1. The Applicant is seeking declaration that the final order of dissolution of marriage dated 27.07.2023 passed in Case No. LIV-F172-18 by Sheriff Court of Lothian and Borders, Livingston, United Kingdom be confirmed producing all its legal effects in India and that the Civil Registrar Bardez at Mapusa be directed to cancel the Registration of the marriage of the Applicant and Respondent No.1.

2. The Applicant is Goan by birth. The Respondent No.1 is also Goan by birth. Respondent No.1 is presently residing at United

Kingdom. Both were married to each other in a civil marriage with civil effects on 06.04.2009 at Mapusa, Bardez, Goa. Their marriage is registered in the Civil Registration Office at Bardez, Mapusa. They resided together in the United Kingdom as husband and wife until 18.02.2018 and separated on 19.02.2018.

3. By Minutes of agreement dated 13.07.2023 executed before the Sheriffdom of Lothian and Borders, Livingston, United Kingdom, the Applicant and Respondent No.1 have agreed to regulate their financial and other arrangements between them.

4. By order dated 27.07.2023, the Sheriff Court of Lothian and Borders, Livingston, United Kingdom, the marriage of Applicant and Respondent No.1 was dissolved and became final.

5. The order of dissolution of marriage dated 27.07.2023 fulfills the conditions set out in Article 1102 of the Portuguese Civil Procedure Code, 1939 and the other legal provisions applicable. The grounds on which dissolution was obtained were not opposed nor was contrary to the principles of public order or public policy in force in this country.

6. Article 1100 of the Portuguese Civil Procedure Code, 1939 provides that no decision of private rights pronounced by Foreign Courts shall have efficacy or shall have effect without being revised. Article 1101 lays down that it is competent for the High Court of the

judicial district to confirm the Judgment. Article 1102 specifies the necessary requisites for confirmation of Foreign Judgments and stipulates amongst others that for the judgment to be confirmed, it is necessary that there be no doubt on the authenticity of the document wherein the judgment is recorded, that the Judgment had become final according to the law of the country where it was pronounced and that it should come from a Court competent according to the rules of conflict of jurisdiction and that it does not contain decisions contrary to the principles of public order of the country.

7. The Respondent has no objection for allowing this petition and confirming the decree of divorce. It is apparent that the decree of divorce is not opposed to public policy. It is not disputed that the Foreign Court was competent to pronounce the decree and the same has been made after hearing both the parties. There is nothing on record to show that the decree has been obtained by fraud or that it is contrary to law of this country.

8. Hence, this application is allowed in terms of prayer clauses (a) and (b) which reads as follows:-

- (a) The final Order of Dissolution of Marriage dated 27th July 23 passed in case no. LIV-F172-18 by the Sheriff Court of Lothian and Borders, Livingston, United Kingdom, be confirmed producing all its legal effects in India.

- (b) The Civil Registrar, Bardez at Mapusa be directed to cancel the registration of the marriage of the Applicant and the Respondent No.1 under no.399/2009.

9. In terms of prayer clause (b) of this petition, the Civil Registrar shall make the necessary endorsement expeditiously after a formal application along with the copy of this order is placed before the Authority.

10. Application is disposed of.

PRAKASH D. NAIK, J.

JOSE
FRANCISCO
DSOUZA

Digitally signed by JOSE
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