

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO.5 OF 2022

JOSEPH ALLFREY LOBO ... Applicant

Versus

JOANITA PEREIRA AND ANR. ... Respondents

Mr. Ravi Gawas, Advocate for the Applicant.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent No.2.

CORAM: M. S. SONAK, J.

DATED : 3rd MAY 2023

P.C.:

1. Heard Mr. Ravi Gawas, learned counsel for the Applicant.
2. This is an application for confirming the divorce granted by Decree of Divorce dated 21.01.2022 in case No.BV21D02989 by the Family Court at Bury St Edmunds, United Kingdom and for appropriate orders dissolving the marriage between the Applicant and Respondent No.1.
3. Upon hearing Mr. Ravi Gawas, learned counsel for the Applicant and Mr. G. Shetye, learned Additional Government Advocate for Respondent No.2, on 09.03.2023 this Court made the following order.

CORAM: M. S. KARNIK, J

DATED: 9th MARCH 2023

P.C.

1. Heard learned counsel for the applicant.
2. This is an application filed for confirming the divorce granted by Decree of Divorce dated 21.01.2022 in case no.BV21D02989 by the Family Court at Bury St Edmunds, United Kingdom and for appropriate orders dissolving the marriage between the applicant and the respondent no.1.
3. The applicant had sent an email to the respondent-wife which was received by her. In this respect, learned counsel placed on record copy of the reply received from respondent-wife on 01.03.2023. The respondent acknowledged receipt of the email and sought advice from the applicant as to in what manner he wants her to proceed with the matter. The applicant to inform the respondent through email that she can choose to be represented by a lawyer. She may also, if she so desires, be represented through a power of attorney. In case the respondent does not wish to contest the present application for confirmation of the Decree passed by the UK Court and has no objection to the dissolution of the marriage, she may so indicate in the email.
4. The order passed by this Court be served on the respondent.
5. I am informed that notice has already been issued and service report is awaited. Office to verify and inform the further progress of the service of notice.
6. List the application on 29.03.2023.”

4. Today, Mr Gawas has produced on record email from Respondent No.1 (wife) dated 12.03.2023 which reads as follows:

“Joanita Pereira <pereira.joanita90@gmail.com>

Sun, Mar 12, 2023 at 6:05 PM

To: Ravi Gawas <ravigawas0688@gmail.com>

Hi Ravi gawas

I have duly received the email which was send by advocate Ravi Gawas along with the order date 09/03/2023 pass by hon able high court of Bombay at goa.in case, no, macml/5/2023, that marriage between my self and applicant is broken down and no hope for future. it is therefore application filed by the applicant be granted and confirm the divorce granted by the UK court that I am unable to attend the hon court as I am working in UK and hence not able to attend court hearing. i also don't have any power of attorney holder in Goa and in India, it is the request on my behalf to confirm divorce granted my UK court.

Thank you

[Quoted text hidden]”

5. The above email is taken on record and marked 'X' for identification.

6. Mr Gawas also places on record the order dated 08.09.2022 in Misc. Civil Application (Main) No.2 of 2022 in ***Renetta Rodrigues Vs Levino Mariano Fernandes and Anr.***, in which the learned Single Judge of this Court (G. S. Kulkarni, J), after discussing the relevant legal provisions confirmed the decree made by the Family Court at UK and issued necessary directions to the Civil Registrar in Goa for cancellation of marriage registration entry. In this order, the learned Single Judge has referred to the earlier precedent, where under

circumstances similar to the present case, confirmation orders were made.

7. Therefore, by relying upon Respondent No.1's email that she has no objection to granting the relief in this Misc. Civil Application (Main) and further relying upon the precedent in *Renetta Rodrigues* (supra), I see no good reasons for not allowing the relief as prayed for in this Misc. Civil Application (Main).

8. Accordingly, this Misc. Civil Application (Main) is allowed in terms of prayer clauses (a), (b) and (c) which read as follows:-

“(a) To confirm the divorce granted by Decree Absolute dated 21/01/2022 in case No.BV21D02989 by the family Courts at Bury St. Edmunds, United Kingdom.

(b) Pass Order dissolving the marriage between the Applicant and the Respondent registered on 14/12/2014 against entry No.302/2014 of the Marriage Registration Book for the year 2014 in the office Civil Registrar of Tiswadi by Divorce.

(c) That the Civil Registrar of Tiswadi be directed to cancel the Marriage Registration of Marriage against entry No.302/2014 of the Marriage Registration book of year 2014 between the Applicant and the Respondent, with further direction of publication of the same in Government official Gazette.”

9. The Misc. Civil Application (Main) is disposed of without any order for costs.

M. S. SONAK, J.