

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO.6 OF 2023

SANJU BALU SHINDE

... APPLICANT

Versus

ARCHANA SANJU SHINDE AND ANR

... RESPONDENTS

Mr. T. Vaz, Advocate for the Applicant.

Mr. S.P. Munj, Additional Government Advocate for the State-Respondent-2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 11th January, 2024

P.C.

1. Heard Mr. Vaz, learned Counsel for the Applicant and Mr. Munj, learned Additional Government Advocate.

2. The issue involved in the present matter is a refusal on the part of the Registrar of Marriages to cancel the marriage of the Applicant and Respondent No. 1 under entry no. 302/2013 on the ground that the same is not been confirmed by the High Court as required by law.

3. The learned Counsel for the Applicant submits that the marriage of the Applicant and Respondent No. 1 was registered in Goa, however, since Respondent No. 1 shifted to Sangli in Maharashtra, differences arose between them. Mutual divorce proceedings were

filed in Sangli Court. The Sangli Court vide its Judgment dated 04.10.2017 passed a Decree confirming the Divorce under section 13(B) of the Hindu Marriages Act.

4. When the Petitioner approached the Registrar for cancellation of the marriage registered in Goa, he simply refused saying that permission is required from the High Court as per Law.

5. As per Article 1102 of the Portuguese Civil Procedure Code, 1939, if any decree is passed by the Foreign Court, the same is being confirmed by this Court before cancellation. Such contention is not available in the present matter as the Court at Sangli in Maharashtra cannot be considered now as a Foreign Court for the purpose of applying the said provision and for obtaining permission. Accordingly, refusal by the concerned Registrar vide his letter dated 20.04.2023 is incorrect..

6. Accordingly, the observations of the Registrar and refusal to cancel the registration on the said grounds cannot be accepted.

7. The Petition is therefore allowed as per prayer clause (a) and (b).

8. Miscellaneous Civil Application stands disposed of accordingly.

BHARAT P. DESHPANDE, J.