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IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO.9 OF 2023

STANLY FERNANDES

... APPLICANT

Versus

CECILIA FERNANDES AND ANR

... RESPONDENTS

Ms K. Betquekar, Advocate for the applicant.

Mr S. P. Munj, Addl. Govt. Advocate for the State/respondent no.2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 4th April, 2024

P.C.

Heard Ms. K. Betquekar, learned counsel for the applicant. None appeared for respondent no.1 even though duly served. For the last three to four occasions Mr D. Gaonkar appeared and undertaken to file vakalatnama. However, today he is absent.

2. Present proceedings are filed for confirmation of the decree of divorce issued by the Foreign Court.

3. On perusal of the certified copies placed on record, decree absolute is passed dated 27.7.2021.

4. Marriage between the applicant the respondent no.1 was solemnized and registered at Panaji, for which document at annexure "A" page 11 is placed on record. It is the contention of the applicant that thereafter they shifted to the United Kingdom and accordingly filed proceedings for grant of divorce. The decree is passed by the Family Court of the United Kingdom which is duly certified.

5. As per provisions of Articles 1101 and 1102 of the Portuguese Civil Code("Code" for short), decree passed by the Family Court is required to be confirmed by this Court. Accordingly, a certified copy placed on record would go to show that the marriage between the applicant and the respondent no.1 is dissolved by decree of divorce passed by the Family Court in the United Kingdom.
6. All essential ingredients as per Article 1102 of the Code are established. Accordingly, application is allowed as per prayer clauses (a) and (b).
7. Misc. Civil Application (Main) stands disposed of in above terms.

BHARAT P. DESHPANDE, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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