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IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION (MAIN) NO.4 OF 2021

MARIA BRENDA MASCARNHAS ALIAS
MARIA BRENDA LOBO, THR. HER POA,
MARIA JULIETA LOBO DSOUZA

... APPLICANT

Versus

BRUCE ALEXANDER MASCARENHAS AND
ANR

... RESPONDENTS

Mr Salil S. Saudagar, Advocate for the Applicant.

Ms Sapna Mordekar, Additional Government Advocate for
Respondent No.2.

Respondent No.1 present in person.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 18th January, 2024

P.C.:

1. This is an application for confirmation of a foreign Judgment, in terms of Article 1100 of the Portuguese Code of Civil Procedure read with Sections 13 and 14 of the Civil Procedure Code. The Petitioner seeks the confirmation of the order dated 31.05.1994 granting divorce to the Petitioner by the Superior Court of Justice, Ontario, Canada in Proceedings No. 94-ND-209317.

2. Notice was issued to the Respondent Bruce Alexander Mascarenhas who is present before this Court after service and has recorded his consent to the disposal of this petition.

3. The proceedings before the Canadian Court were for divorce on grounds of abandonment of conjugal domicile by the Petitioner. The proceedings disclose that though the Petitioner was served, she has not contested the proceedings. The Decree and Judgment of the Canadian Court were granted to Alexander the Respondent herein by the Judgment sought to be confirmed by this Court.

4. The parties to the Judgment had registered their marriage before the Civil Registrar of Bardez at Mapusa in Entry No.147/1988, their marriage having been registered on 10.01.1988. The Petitioner seeks cancellation of the entry of registration of marriage in the books of the above-referred entry of marriage in the books of Registration of Marriage of the Civil Registrar of Bardez at Mapusa consequent to the passing of the Decree by the Canadian Court.

5. I have examined the Judgment and Decree passed by the Canadian Court. The Judgment has been rendered on the ground for dissolution of the marriage, in abandonment of the conjugal domicile by the Petitioner herein. The Judgment has been recorded after taking evidence on affidavit dated 30.03.1994, of the Respondent herein. I do not find any conflict in terms of the law which was applied to the grant of divorce, with the law applicable to the parties before me in the State of Goa. There being no conflict of any law, the application would have to be allowed.

6. Consequently, the application is allowed in terms of prayer clauses (a) and (b) of the application which read as under:-

"(a) The Divorce Judgment dated 31st May, 1994 passed by the Superior Court of Justice Toronto, Ontario, Canada, in case No. 94-ND-209317, dissolving the marriage between the Applicant and the Respondent No.1 be confirmed producing all its legal effects in India.

(b) The Civil Registrar of Bardez, at Mapusa be directed to cancel the registration of the marriage of the Applicant and Respondent No.1 registered at his office under entry No. 147/1988."

7. The Civil Registrar of Bardez at Mapusa is directed to make necessary endorsement of cancellation of the entry of marriage of the Petitioner and Respondent under Entry No.147/1988 dated 10.01.1988 in the Book of Marriages.

8. Application is disposed of in the above terms.

VALMIKI SA MENEZES, J.

JOSE
FRANCISCO
DSOUZA

Digitally signed by Jose
Francisco Dsouza
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