



IN THE HIGH COURT OF BOMBAY AT GOA

**MISCELLANEOUS CIVIL APPLICATION (MAIN) NO. 11 OF
2023**

Mr Mateus Victor de Souza, son of Late
Joao Victor de Souza, Aged 59 years,
service, resident of House No.922/40,
Near Socorro Panchayat, Alto-
Porvorim, Bardez-Goa, Presently
residing at Flat C, 17 Balnagask Road,
Torry, Aberdeen, Scotland. AB11 8HU ..Petitioner/Applicant

Versus

Ms. Annie Soares, daughter of Late
Mr. Jacinto Martin Soares, 45 years of
age, residing at Flat C, 13 Belmont ... Respondent
Road, Aberdeen, Scotland. AB25 3SR.

Mr. Richard Almeida, Advocate for the Applicant.

None for the Respondent.

CORAM : VALMIKI MENEZES, J.

DATED : 24th JANUARY, 2025.

ORDER:

1. This is an application for a confirmation of the Foreign Judgment/Decree granting Divorce to the Petitioner. The application has been filed under Article 1101 of the Portuguese Civil Procedure Code read with Section 13 of the Civil Procedure Code.
2. The Advocate for the Applicant submits that notice was served on the Respondent. He has produced notice dated 20.01.2025 along with the postal receipt as proof of service and notice. When the matter was called out none appeared in person or through video conferencing for the Respondent.
3. The parties had registered their marriage before the Office of the Civil Registrar of Bardez at Mapusa and entry to that effect has been made under No. 37/2001 dated 16.01.2001 in the Marriage Registration book of the year 2001. Parties have thereafter been residing in Scotland.

4. Due to differences which arose between the parties, the Respondent filed a divorce proceeding for dissolution of their marriage before the Court of Sheriffdom of Grampian, Highland & Islands at Aberdeen, Scotland (the Scotland Court), on the grounds that the marriage has broken down irretrievably for non-cohabitation for a period extending two years. The Scotland Court, by a decree of divorce dated 05.09.2018 granted divorce by mutual consent vide Minutes of Agreement dated 14.09.2016. The Scotland Court issued an Extract Decree of Divorce of the decree dated 05.09.2018 on 01.10.2018. From the averments made into the application and on perusing conditions of the Foreign Decree passed by the Scotland Court on 05.09.2018, the same does not appear to be a Judgment passed based on law contrary to the Public Policy of India and appears to conform with the laws of the land, as it would be applicable to the parties, within the State of Goa. Consequently, the application is allowed. The Decree

dated 05.09.2018 passed by the Scotland Court is confirmed and held as final and conclusive.

5. The marriage of the Petitioner with the Respondent shall stand dissolved on the confirmation of this Foreign Decree. Consequently, the Civil Registrar is directed to make appropriate endorsement against the Entry No. 37/2001 in the Marriage Registration Book of the year 2001 dated 16.01.2001, recording confirmation of the aforementioned Decree of Divorce and cancel such registration.

6. The order is made absolute in the above terms.

7. The present application stands disposed of.

VALMIKI MENEZES, J.