



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO.12 OF 2024

CYPRIANO SANTAN
PINHEIRO.

... Applicant.

Versus

SINDIJA SVINTECKA ALIAS
SINDIJA PINHEIRO

... Respondent.

Mr Tarshish Pereira, Advocate for the Applicant.

Ms Sindija Svinteka alias Sindija Pinheira-Respondent. (through V.C.)

CORAM: VALMIKI MENEZES, J.

DATED: 27th January, 2025

P.C:

1. Farad order dated 13.12.2024 to be corrected and the name of Ms Swati Kamat, Advocate for the Respondent shall be struck off since no appearance was put in by the Respondent.
2. After notice was issued to the Respondent by order dated 13.12.2024, the Respondent was served through Email. The Applicant has produced a copy of the Email and the reply of the Respondent stating that she has no objection to the petition being granted and that she would attend the hearing over Zoom App. The learned Advocate for the Applicant states that the Respondent had in fact logged in at 10:30 a.m. but is presently not online. Considering that the Respondent has replied giving her no objection for the granting of the application, she shall be considered as served and having no objection to the grant of the application.

3. This application has been filed under Article 1101 of the Portuguese Civil Procedure Code r/w Section 13 of the CPC seeking confirmation of a foreign Judgment; the Judgment sought to be confirmed is of the Latvian District Court dated 05.01.2023 and passed by the Kurzeme District Court in the Republic of Latvia. A perusal of the Judgment records that the District Court in Latvia granted divorce by mutual consent to the parties to this application, though initially there was a contest, and the parties later on recorded their consent.

4. The Judgment is a reasoned order citing the grant of divorce under Sections 71 and 72 of the Civil Law of Latvia and after referring to the Civil Procedure Law has recognized that there is no dispute in accordance with Section 238 of the Civil Procedure Law of Latvia between the parties to the grant of divorce. The decision is recorded in the operative part of the order specifically dissolving the marriage solemnized between the Applicant and the Respondent on 21.12.2013, registered under No.193/2014 in the Marriage Registration Book of the year 2014 of Salcete Taluka, Margao, Goa, on 22.01.2014.

5. After going through the order of the District Court at Latvia and the provisions of Article 1101 of the Portuguese Civil Procedure Code r/w Section 13 of the CPC, I do not find that there is any conflict between the Judgment passed by the Latvian Court and the Law applicable to the parties, in Goa. Considering this situation, there would be no impediment, more so in the light of the fact that the Respondent has specifically given no objection to the grant of the application, to allow the application.

6. Accordingly, Misc. Civil Application (Main) No.12/2024 is granted.

The Judgment dated 05.01.2023 of the District Court at Lativa stands confirmed, and as a consequence, the Civil Registrar of Salcete at Margao is hereby directed to cancel the entry of the Registration of Marriage between the Applicant and the Respondent under Entry No.193/2014 dated 21.12.2013 of the Marriage Registration Book of the year 2014. Ordered accordingly.

VALMIKI MENEZES, J.