



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION (MAIN) NO. 9 OF 2025

Alvaro Peres Da Costa,
S/o Joaquim Eleuterio Das Dores
Peres Da Costa,
Age 81 years,
R/o H. No. 1062, Povoacao,
Near St. Alex Church, Curtorim,
Salcete, South Goa, 403709

...Applicant

V/s

1. State of Goa Through Chief Secretary,
Secretariat, Porvorim, Goa.
2. The Sub-Registrar,
Civil Cum Sub registrar Office of Tiswadi,
Spaces building, 2nd Floor, Patto Centre,
Panaji, Goa.
3. Noelle Paulina Filomena De Lima Peres Da Costa
D/o Domingos Rosario De Lima,
Age 75 R/o Unit No. 282, 33 Hill Road,
Wentworth Point,
NSW Australia 2127

....Respondents

Mr. Sanman Keny, *Advocate for the Applicant.*

CORAM : VALMIKI MENEZES, J.

DATED : 21st AUGUST, 2025.

ORDER:

1. Registry to waive office objections and register the matter. Heard learned Advocate Mr. Sanman R Keny for the Applicant-Husband. The Respondent No.3-Wife, though served and provided with the video conferencing link to appear in-person, if he so desired did not appeared on 18.07.2025 when the matter was called out and an opportunity was given and further on 21.08.2025 after which this order was passed.
2. This is an application for confirmation of a 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.
3. The parties had registered their marriage before the Office of the Civil cum Sub Registrar, Panaji, Goa and entry to that effect has been made under No. 196 dated 19.05.1972 under Receipt No. 18/10 in the Marriage Registration book of the year 1972. Parties have thereafter been residing in Australia.
4. The Applicant sought a Decree of Divorce by filing proceedings before the Federal Circuit Court of Australia (The

Australia Court) on the grounds that the marriage between the Applicant and Respondent No. 3 had broken down irretrievably and that there was no resumption of cohabitation between them. From the record of the Australian Court it appears that no contest was offered by the Respondent in the proceedings.

5. By a Decree and Order of the Australia Court dated 06.02.2014, passed in the said Divorce Petition, the marriage between the parties stood terminated with effect from 07.03.2014.

6. On perusing the Foreign Order, the same does not appear to be one passed based on law contrary to the Public Policy of India and appears to conform with the laws of the land, as would be applicable to the parties, within the State of Goa. The order appears to be passed on merits and after notice was issued to the Respondent. Consequently, the application is allowed. The Final Order dated 06.02.2014 passed by the Australia Court is confirmed and held as final and conclusive.

7. Consequently, the Civil Registrar cum Sub Registrar, Panaji, Goa is directed to make appropriate endorsement against the Entry No. 196 dated 19.05.1972 under Receipt

No. 18/10 in the Marriage Registration Book of the year 1972, recording confirmation of the aforementioned Final Order of Divorce and cancel such registration.

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

9. The present application stands disposed of.

VALMIKI MENEZES, J.