IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.8 OF 2026

LINDA FERNANDES
VERSUS
VOLFANGO BRAGANZA AND ANOTHER

…

Ms. Vidhati Shetye, Advocate for the Applicant.
Volfango Braganza, Respondent in person.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 5th NOVEMBER, 2026.

FINAL ORDER:-

1. The present application is filed under Article 1101 of Chapter XIII of Portuguese Code of Civil Procedure, 1939 r/w Sections 13 and 14 of Civil Procedure Code for review and confirmation of divorce decree dated 19.02.2026 passed in Case No.1748-0073-0348-5015 by HM Courts and Tribunals Service Sitting in the Family Court (hereinafter referred as 'Foreign Court'). The applicant further seeks direction against Civil Registrar-cum-sub Registrar of Tiswadi at Panaji, Goa to cancel registration No.29/2019 of Marriage Registration Book of year 2019 between applicant and respondent no.1.

2. The applicant-wife states that her marriage was solemnized with respondent no.1 in State of Goa on 12.01.2019 at Church of Holy Cross, Verna, Goa and marriage is registered before Civil Registrar-cum-sub Registrar, Tiswadi at Panaji-Goa vide Entry No.29/2019 of marriage Registration Book for the year 2019. Respondent No.1 filed petition

for dissolution of marriage before the Foreign Court bearing Case No.1748-0073-0348-5015 on the ground of irretrievable break down of marriage. Applicant filed affidavit stating that she has knowledge of the aforesaid proceeding and was unable to appear before the said Court due to unavoidable constraints arising from her work commitment obligations. However, she was to consent for passing decree as marriage was irretrievably broken. Thereafter, conditional order was passed on 22.12.2025, which was made final on 19.02.2026, thereby certifying that marriage solemnized on 12.01.2019 at Civil Registrar-cum-sub Registrar of Tiswadi at Panaji, Goa between applicant and respondent no.1 has legally ended. The applicant has tendered apostilled copies of marriage certificate dated 05.07.2024 and final order dated 19.02.2026.

3. The Applicant was permitted to serve Respondent, vide notice made returnable on 15.10.2026. The liberty was granted to serve respondent by electronic mode/email and applicant was permitted to provide email address for purpose of issuance of notice. Respondent no.1 appeared online and consented for granting confirmation of decree for cancellation of marriage.

4. Heard Ms. Vidhati Shetye, learned Advocate appearing for applicant.

5. Apparently, Foreign Court made conditional order final on 19.02.2026 as no reason was shown as to why conditional order should not be made final and certified that marriage between applicant and respondent no.1 solemnized on 12.01.2019 has been legally ended. Article 1100 of Portuguese Code of Civil Procedure stipulates that no judgment on private rights, passed by Foreign Court or Foreign Arbitrators, shall have effect in Portugal, regardless the Nationality of parties without Foreign judgment having been reviewed and confirmed. Article 1101 prescribes that review and confirmation lie before High Court having jurisdiction at the place at which person against whom judgment is sought to be enforced is domicile or resides. If such a person has no domicile or residence in Portugal, High Court within whose jurisdiction, the petitioner is domicile or resides shall have jurisdiction. Article 1102 stipulates requisites necessary for confirmation.

6. The documents tendered before this Court demonstrates that applicant and respondent no.1 are originally residents of Goa. Their marriage was solemnized on 12.01.2019 and registered with Civil Registration Office at Tiswadi at Panaji, Goa. In case of ***Saturnino Epfanio Ralph Barros Vs. Tina Noronha Barros1***, this Court held that Article 1102 of PCCP stood repealed with coming into force Section 13

[1]**1997 (2) Goa L.T. 343.**

of Code of Civil Procedure, 1908. However, Article 1100 continues to have force of law.

7. The apostille copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. The respondent no.1 had applied for decree of divorce. She was served with notice but not appeared before the Court as she did not wish to contest proceeding. Accordingly, marriage between applicant and respondent no.1 was dissolved by order of Foreign Court. Applicant by way of filing additional affidavit admits knowledge of divorce proceedings requested for confirmation of decree and seek cancellation of registration of marriage. Considering that divorce by mutual consent particularly when it is irretrievably broken is recognized in law as applicable in State of Goa, there is no reason to refuse confirmation of divorce decree granted by Foreign Court. Hence, following order:

ORDER

a. Miscellaneous Civil Application is allowed.

b. The judgment and decree of divorce dated 19.02.2026 passed by HM Courts and Tribunals Service Sitting in Family Court in Case No. 1748-0073-0348-5015 is confirmed.

c. The Applicant shall be at liberty to approach the Civil Registrar-cum-sub Registrar to cancel Entry No.29/2019 dated 05.07.2024 from

Marriage Registration Book of year 2019 between applicant and respondent no.1.

d. Miscellaneous Civil Application (Main) stands disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/November-2026