IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.17 OF 2026

MARTINA VAZ AND ANOTHER
VERSUS
OFFICER OF CIVIL REGISTRAR CUM SUB-REGISTRAR

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Ms. Gloria D'Souza, Advocate for Applicants.
Mr. S.P. Munj, Additional Government Advocate for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 01st OCTOBER, 2026.

FINAL ORDER:-

1. The present application is filed under 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 28.05.2025 passed in Case No.FS-24-00042974-0000 by Superior Court of Justice, at 361 University Ave., Toronto ON M5G 1T3, Ontario, Canada (hereinafter referred as 'Foreign Court'). The applicants further seeks direction against Civil Registrar-cum-sub Registrar of Tiswadi, Panaji, Goa to cancel marriage registration dated 26.11.2025, registered under Entry No.02/2015 of Marriage Registration Book of year 2015 between applicants.

2. The applicants states that thier marriage was solemnized in State of Goa on 27.12.2014 and marriage is registered before Civil Registrar-cum-sub Registrar of Tiswadi, Panaji, Goa . They were residing in Canada since July 2015 and September 2014 respectively. Applicant no. 1 approached the Foreign Court filing an application for divorce bearing

Case No.FS-24-00042974-0000, seeking divorce on the ground that they had been seperated for at least one year and failed to reconcile.

3. Minutes of Settlement were signed among the applicants and by order dated 17.01.2025 passed by Foreign Court it was permitted either of the applicant to proceed for a divorce, reiterating and finalizing the Minutes of Settlement and further directing that the divorce be severed from all corollary relief. Following an Affidavit seeking a divorce in terms of the Order dated 17.01.2025, Foreign Court was pleased to grant a divorce to Applicants vide Order dated 28.05.2025 which was to take effect 31 days after the date of this order. Accordingly the divorce took effect on 28.06.2025 and electronic Certificate of Divorce dated 02.07.2025 was issued to the applicants which was duly signed on 10.07.2025 by the concerned authority, thereby certifying that marriage solemnized on 27.12.2014 at Civil Registrar-cum-sub Registrar of Tiswadi, Goa between applicants has legally ended. The applicants have tendered photocopy of original marriage certificate dated 26.11.2025 and notarized copy of Divorce order dated 28.05.2025 along with Certificate of Divorce dated 10.07.2025.

4. Applicants were represented by Power of Attorneys namely Mrs. Marceline Vaz and Mrs. Sara Juliana Pereira respectively. On 31.08.2026, notice of this application was issued to respondent.

5. Heard Ms. Gloria D'Souza, learned Advocate appearing for applicants and Mr. S. P. Munj learned Advocate appearing for the Respondent.

6. Apparently, Foreign Court ordered and decreed that applicants are divorced from matrimonial bonds since 28.06.2025 vide Divorce order dated 28.05.2025. 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 applicant is domicile or resides shall have jurisdiction. Article 1102 stipulates requisites necessary for confirmation.

7. The documents tendered before this Court demonstrates that applicants are originally residents of Goa. Their marriage was solemnized on 27.12.2014 and registered with Civil Registration Office at Tiswadi, Goa. In case of ***Saturnino Epfanio Ralph Barros Vs. Tina Noronha Barros***[1], this Court held that Article 1102 of PCCP stood

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

repealed with coming into force Section 13 of Code of Civil Procedure, 1908. However, Article 1100 continues to have force of law.

8. The notarized copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. Apparently, applicant's marriage is dissolved by way of consent decree. Considering that divorce by mutual consent is available under law of divorce applicable in State of Goa, there is no reason to refuse confirmation of divorce granted by Foreign Court. Hence, following order:

ORDER

a. Miscellaneous Civil Application is allowed.

b. The judgment and decree of divorce dated 28.05.2025 effective from 28.06.2025 passed by Superior Court of Justice, at 361 University Ave., Toronto ON M5G 1T3, Ontario, Canada in Case No.FS-24-00042974-0000 is confirmed.

c. The Applicants shall be at liberty to approach the Civil Registrar-cum-sub Registrar to cancel Entry No.02/2015 dated 26.11.2025 from Marriage Registration Book of year 2015 between applicants.

d. Miscellaneous Civil Application stands disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/September-2026