IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.16 OF 2026

THELMA FERNANDES THR ITS POA PETER JOSEPH FERNANDES
VERSUS
ALFRED CAMARA AND ANOTHER

...

Ms. Prajali Tari, Advocate for the Applicant.
Mr. Geetesh Shetye, Additional Government Advocate for Respondent No.2

...

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 23rd 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 03.12.2025 passed in Case No.1686-2280-1799-7558 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 Salcete at Margao, Goa to cancel registration No.508/2009 of Marriage Registration Book of year 2009 between applicant and respondent no.1.

2. The applicant-wife states that her marriage was solemnized with respondent no.1 in State of Goa and marriage is registered before Civil Registrar-cum-sub Registrar of Salcete at Margao, Goa. Subsequent to the marriage, applicant and respondent no.1 were residing at 88 Clayton

Road UB3 1BA, Hayes, London, United Kingdom. Due to breakdown of the marriage, they filed joint divorce application before Foreign Court bearing Case No.1686-2280-1799-7558, wherein conditional order was passed on 21.10.2025, which was made final on 03.12.2025, thereby certifying that marriage solemnized on 25.02.2009 at Civil Registrar-cum-sub Registrar of Salcete at Margao, Goa between applicant and respondent no.1 has legally ended. The applicant has tendered copies of original marriage certificate dated 13.05.2026 and final order dated 03.12.2025.

3. On 04.10.2026, notice of this application was issued to respondents with liberty to Applicant to serve respondents by private mode in addition to regular mode of service. Accordingly, notices issued to the respondent are served.

4. Heard Ms. Prajali Tari, learned Advocate appearing for applicant and Mr. Geetesh Shetye, learned Additional Government for Respondent no.2.

5. Apparently, Foreign Court ordered and decreed that applicant and respondent no.1 are divorced from bonds of matrimonial ties vide final order dated 03.12.2025. 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 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 25.02.2009 and registered with Civil Registration Office at Salcete at Margao, 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 of Code of Civil Procedure, 1908. However, Article 1100 continues to have force of law.

7. The certified copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. The applicant and respondent had jointly moved Foreign Court for decree of divorce. Accordingly, marriage between applicant and respondent no.1 is dissolved by way of consent decree. Considering that divorce by mutual consent is available under law of divorce applicable in State of

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

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 03.12.2025 passed by HM Courts and Tribunals Service Sitting in Family Court in Case No. 1686-2280-1799-7558 is confirmed.

c. The Applicant shall be at liberty to approach the Civil Registrar-cum-sub Registrar to cancel Entry No.508/2009 dated 13.05.2026 from Marriage Registration Book of year 2009 between applicant and respondent no.1.

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

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2026