IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.10 OF 2024

MILAGRINA PEREIRA
VERSUS
ANTONIO FERNANDES AND ANOTHER

…

Ms. Zeiba Shaikh, Advocate for the Applicant.
Mr. S.P. Munj, Additional Government Advocate for Respondent No.2

…

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 03rd 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 25.08.2023 passed in Case No.1674-4822-8879-3063 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 Bardez at Mapusa, Goa to cancel registration No.116/1990 of Marriage Registration Book of year 1990 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 13.01.1990 at Church of St. Alex, Calangute of the Archdiocese of Goa and marriage is registered before Civil Registrar-cum-sub Registrar-I, Bardez-Goa. Differences arose between the couple on or about 04.10.2022 after which they decided to

separate. The applicant filed divorce application before Foreign Court bearing Case No.1674-4822-8879-3063 and Notice of divorce proceedings was issued to the Respondent no.1 on 02.02.2023 to which the Respondent no.1 responded in affirmative and continued the proceeding without disputing the divorce. Thereafter conditional order was passed on 11.07.2023, which was made final on 25.08.2023, thereby certifying that marriage solemnized on 13.01.1990 at Civil Registrar-cum-sub Registrar of Bardez at Mapusa, Goa between applicant and respondent no.1 has legally ended. The applicant has tendered certified copies of marriage certificate dated 09.05.2024 and final order dated 25.08.2023.

3. The Applicant was permitted to serve Respondent no.1 by private service through any permissible mode. On 08.10.2026, Learned Counsel appearing for Applicant had filed an affidavit of service to Respondent no.1 along with tracking report of the consignment which shows delivery on 05.10.2026. However, none appeared for Respondent no.1 pursuant to which matter was kept today by way of last chance.

4. Heard Ms. Zeiba Shaikh, learned Advocate appearing for applicant and Mr. S.P. Munj, 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 25.08.2023. 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 13.01.1990 and registered with Civil Registration Office at Bardez at Mapusa, Goa. In case of ***Saturnino Epfanio Ralph Barros Vs. Tina Noronha Barros***[1], 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 apostile copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. The applicant had applied for decree of divorce and respondent no.1 had

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

consented for the same before the Foreign Court. 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 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 25.08.2023 passed by HM Courts and Tribunals Service Sitting in Family Court in Case No. 1674-4822-8879-3063 is confirmed.

c. The Applicant shall be at liberty to approach the Civil Registrar-cum-sub Registrar to cancel Entry No.116/1990 dated 09.05.2024 from Marriage Registration Book of year 1990 between applicant and respondent no.1.

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

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/November-2026