IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION (MAIN) NO.19 OF 2026

CONNIE LOURDES FERNANDES
VERSUS
AJAY TOM MORAES AND ANOTHER

…

Mr. Cliff Fernandes, Advocate for Applicant.
Mr. Ajay Tom Moraes, Respondent No.1

…

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th 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 04.08.2025 passed in Case No.1714-8300-3729-5677 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.1768/2005 of Marriage Registration Book of year 2005 between applicant and respondent.

2. The applicant-wife states that her marriage was solemnized with respondent in State of Goa and marriage is registered before Civil Registrar-cum-sub Registrar of Salcete at Margao, Goa. During their stay as husband and wife there were serious issues of compatibility between them, hence they jointly filed divorce application before

Foreign Court vide Case No.1714-8300-3729-5677, wherein conditional order was passed on 28.11.2024, which was made final on 04.08.2025, thereby certifying that marriage solemnized on 27.10.2005 at Civil Registrar-cum-sub Registrar of Salcete at Margao, Goa between applicant and respondent has legally ended. The applicant has tendered copies of original marriage certificate dated 20.07.2026 and final order dated 04.08.2025.

3. On 28.09.2026, notice of this application was issued to respondent with liberty to Applicant to serve respondent by electronic mode. Accordingly, applicant had issued notice on E-mail of respondent. On 14.10.2026, Learned Advocate appearing for Applicant submitted affidavit of service stating that Respondent is duly served and confirmed receipt of copy of application. The respondent has replied on E-mail to the notice and given his no objection to allow application.

3. Heard Mr. Cliff Fernandes, learned Advocate appearing for applicant.

4. Apparently, Foreign Court ordered and decreed that applicant and respondent are divorced from bonds of matrimonial ties vide final order dated 04.08.2025. 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.

5. The documents tendered before this Court demonstrates that applicant and respondent are originally residents of Goa. Their marriage was solemnized on 27.10.2005 and registered with Civil Registration Office at Salcete at Margao, 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.

6. The apostle copy of foreign judgment and decree passed by Competent Court of jurisdiction is produced before this Court. Apparently, marriage between applicant and respondent is dissolved by way of consent decree passed in joint application. 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:

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

ORDER

a. Miscellaneous Civil Application is allowed.

b. The judgment and decree of divorce dated 04.08.2025 passed by HM Courts and Tribunals Service Sitting in Family Court in Case No. 1714-8300-3729-5677 is confirmed.

c. The Applicant shall be at liberty to approach the Civil Registrar-cum-sub Registrar to cancel Entry No.1768/2005 dated 20.07.2026 from Marriage Registration Book of year 2005 between applicant and respondent.

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

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2026