
(2021) 12 BOM CK 0121

Bombay High Court (Goa Bench)

Case No: Miscellaneous Civil Application (Main) No. 2626 Of 2021 (Filing)

Lizanne D'Silva

APPELLANT

Vs

Melwen Silveira & Anr

RESPONDENT

Date of Decision: Dec. 22, 2021

Acts Referred:

- Portuguese Code Of Civil Procedure, 1939 - Article 1101, 1102

Hon'ble Judges: Manish Pitale, J

Bench: Single Bench

Advocate: John Abreu Lobo, V. Sardessai

Final Decision: Allowed

Judgement

Manish Pitale, J

1. Leave granted to the Applicant to correct the typographical error in the name of Respondent no.1. Amendment to be carried out forthwith.

2. Heard learned Counsel appearing for the Applicant.

3. The present application is filed with the following prayer :

âœ“ To pass an order in terms of Article 1101 and Article 1102 of Portuguese Civil Procedure as applicable in Goa, and to direct the Civil Registrar

of Ilhas at Panaji to cancel the marriage between the applicant and the respondent that is registered under No. 462 of the book for the year 2002, and

make the necessary endorsement in the said register as against the said entry.âœ“

4. A notice was issued on this application on 15.12.2021 with liberty to the Applicant to additionally serve the Respondent no.1 by email.

5. An affidavit of service has been filed on behalf of the Applicant stating that notice was served upon the Respondent no.1 through email. A print out

of the email is also annexed to the affidavit of service which shows that the Respondent no.1 was informed that the present application is listed for final disposal today i.e. on 22.12.2021.

6. A perusal of the trail of email shows that Respondent no.1 has indeed responded to the email sent by the learned Counsel appearing for the Applicant. It shows that Respondent no.1 is aware and put to notice about the listing of the present application for final disposal today.

7. The Respondent no.1 chose not to appear before this Court when the application was called out for consideration.

8. Mr. Sardessai, learned Additional Government Advocate, has appeared on behalf of the Respondent nos. 2 and 3.

9. The material on record shows that the competent Court at Dubai passed an order granting divorce on an application moved by the Applicant herein.

In the proceedings before the Court at Dubai also, the Respondent no.1 chose not to appear and oppose the application.

10. In view of the aforesaid circumstances, this Court sees no reason to deny the prayer made on behalf of the Applicant in the present application.

11. Accordingly, the application is allowed in terms of prayer clause (a) quoted above.