

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 6 OF 2015**

Mrs. Ashish Antia Mody	...Plaintiff No. 1
<i>Versus</i>	
Dr. Rustom Adi Mody	...Plaintiff No. 2

Ms. Sanobar Nanavati, *for Plaintiff No. 1.*
Mrs. Armaity Khushrushahi, *with Ms. A. Almeida, for Plaintiff No.*
2.

CORAM: G.S. PATEL, J
DATED: 23rd April 2015

PC:-

1. This is a suit for divorce by mutual consent under Section 32-B of the Parsi Marriage & Divorce Act, 1936. The 1st Plaintiff is the wife and the 2nd Plaintiff is the husband. They were married in Mumbai on 22nd January 2004 according to Zoroastrian rites and customs. They have two children, both daughters, named Deenah, about 9 years old, and Emma, today about 4 years old.

2. After marriage, both Plaintiffs lived and cohabited together at the husband's residence at 19/111, Dariya Mahal 'B', 80 Nepean Sea Road, Mumbai – 400 006.

3. Some time after marriage since the 2nd Plaintiff wanted to specialize in his chosen field of surgery, he went to Scotland from August 2005 to August 2006. The 1st Plaintiff-wife remained in India. In 2006, the parties moved to Dubai for some time. They returned to India in 2010. They lived together for a short while at the Nepean Sea Road address, after which they moved to the 1st Plaintiff's address at 5/2 Brady's Flats, Sohrab Bharucha Road, Colaba, Mumbai – 400 005.

4. It seems that differences arose between the parties, and on 20th August 2011 the 2nd Plaintiff left the Colaba house and moved back to the Dariya Mahal flat where he has stayed since.

5. The parties are unable to resolve their differences despite several efforts. They find themselves incompatible.

6. The parties have arrived at settlement. Consent terms signed by the parties are annexed at Exhibit "B" to the plaint. I have seen these consent terms. Provision is made in these consent terms for custody, access and payment of some amounts to the 1st Plaintiff-wife. The consent terms are taken on record. The undertakings in the consent terms are accepted as undertakings to the Court.

7. The parties have lived apart for more than one year prior to the filing of the suit. Both parties are personally present in Court. They have filed their respective evidence affidavits and re-affirmed the correctness of these.

8. In view thereof, the marriage of the parties is dissolved under Section 32-B of the Parsi Marriage & Divorce Act, 1936. There will also be a decree in terms of the consent terms, annexed as Exhibit “B” to the plaint.

(G. S. PATEL, J.)