

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 12 OF 2015

(Ervad) Marzban J. Hathiram	...Plaintiff No. 1
<i>Versus</i>	
Mahazareen B. Dastur	...Plaintiff No. 2

Mrs. A.S. Khushrushahi, *for Plaintiff No. 1.*
Ms. Ishika Tolani, *i/b Mrs. Taubon F. Irani, for Plaintiff No. 2.*

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

PC:-

1. This is a Petition for divorce by mutual consent under Section 32-B of the Parsi Marriage & Divorce Act, 1936. Both Plaintiffs are personally present in Court.

2. The 1st Plaintiff is the husband and the 2nd Plaintiff is the wife. They were married on 21st January 1999 in Mumbai according to the Zoroastrian customs and rights. They have two children, a daughter born on 11th May 2000, and a son born on 20th January 2005.

3. After marriage, both the Plaintiffs lived as man and wife at 8/601, Behram Baug, Parsi Colony, Oshiwara, Jogeshwari (West), Mumbai 400 102. According to the Plaintiffs, it was after the birth of their son, their second child, that differences arose between the Plaintiffs. They were unable to reconcile these. For some time, they carried on with their marriage for the sake of their children. All attempts at reconciliation even by family members and friends ultimately failed, and in May 2014 the Plaintiffs severed all matrimonial ties. They began living separately in separate rooms in the matrimonial home. The Plaintiffs say that they have been living apart from May 2014. They have now agreed to dissolve their marriage by mutual consent.

4. The Plaintiffs have filed consent terms. These are at Exhibit “B” to the plaint. These consent terms are signed by the Plaintiffs and their respective Advocates. They contain provisions for residence, custody, access and maintenance. The consent terms appear to be in order. The undertakings in the consent terms are accepted as undertakings to the Court.

5. In Court, both the Plaintiffs confirm the correctness of what is stated in the plaint and in the consent terms and further confirm that they have given their consent to this Suit and to the consent terms of their own volition.

6. 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, Exhibit “B” to the Plaint.

7. A cheque of Rs. 15,00,000/- required under Clause (5) of the consent terms to be paid by the husband to the wife is handed over by the husband to the wife in Court.
8. Decree to be drawn up accordingly.
9. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)