

*Atul*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PARSI SUIT NO. 14 OF 2015**

|                           |                    |
|---------------------------|--------------------|
| Khushnuma Pakzad Katpitia | ...Plaintiff No. 1 |
| <i>Versus</i>             |                    |
| Pakzad Katpitia           | ...Plaintiff No. 2 |

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**Mrs. A. Khushrushahi**, *for the Plaintiffs.*

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

**PC:-**

1. This is a Petition for divorce by mutual consent under Section 32B of the Parsi Marriage & Divorce Act, 1936.
  
2. The 1st Plaintiff is the wife and the 2nd Plaintiff is the husband. Both are personally present in Court. The Plaintiffs were married on 16th February 2014. This was the second marriage for both. Although the Plaintiffs have no children from this marriage, the 1st Plaintiff has a child from her first marriage, a son who is today about 10 years old. The son has been allowed to take the 2nd Plaintiff's name.

3. After marriage the Plaintiffs lived together as man and wife at Mithaiwala Ajiary Compound, Jehangir Daji Street, Sleater Road, Grant Road (West), Mumbai – 400 004.

4. Very shortly after marriage, serious disputes arose between the Plaintiffs. This made impossible for them to continue to live together. They found themselves to be incompatible. On 30th June 2014 the 1st Plaintiff and her son started living separately in Pune. Even thereafter, the Plaintiffs made every effort to resolve their differences. These attempts did not succeed.

5. The Plaintiffs have been living apart for more than a year prior to the filing of the Suit. The Plaintiffs have now agreed to take a divorce by mutual consent. They have drawn up consent terms in regard to the matters of alimony, custody, maintenance and so on. These are annexed at Exhibit “B” to the plaint and they are signed by both the Plaintiffs and their Advocate.

6. Both Plaintiffs have tendered Affidavits in lieu of examination-in-chief. These are taken on file. They confirm the correctness of what is stated in these Affidavits. I am satisfied that the consent of neither party is vitiated by force, fraud or coercion.

7. There is no impediment to the grant of relief. The Petition is made absolute in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved by mutual consent under Section 32B of the Parsi Marriage & Divorce Act, 1936. Undertakings in the consent terms being accepted as undertakings to the Court, there will also be a decree in accordance with the consent terms.

8. Decree to be drawn up accordingly.
9. All concerned to act on an authenticated copy of this order.

**(G. S. PATEL, J.)**

**CERTIFICATE**

“Certified to be a true and correct copy of the original signed Judgment/Order.”