

Sharayu.

BEFORE THE PARSI CHIEF MATRIMONIAL COURT

AT BOMBAY

PARSI SUIT NO. 18 OF 2012

WITH

NOTICE OF MOTION NO. 20 OF 2014

IN

PARSI SUIT NO. 18 OF 2012

Roshan Cyrus Mistry

...Plaintiff

Versus

Cyrus Homi Mistry

...Defendant

Mrs. F.D. Contractor, for the Plaintiff.

Mr. Varad Deore, for the Defendant.

CORAM: G.S. PATEL, J

DATED: 7th July 2015

PC:-

1. This is the wife's Suit for divorce on the ground of cruelty under Section 32 (dd) of the Parsi Marriage and Divorce Act, 1936. The Suit was contested. The husband filed his Written Statement.

2. The following issues were framed.

1. Whether the Plaintiff proves that she has been

- treated with cruelty by the Defendant as alleged in the written statement?
2. Whether the Plaintiff proves that she has entitled to a decree for divorce on the grounds of cruelty?
 3. Whether the Plaintiff proves that she is entitled to alimony, maintenance and residential accommodation for herself?
 4. What orders?
3. Thereafter, both the Plaintiff and the Defendant led their own evidence and also produced documents that were marked as exhibits in evidence.
4. On 6th and 7th July 2015, Mrs. Contractor, learned Advocate for the Plaintiff and Mr. Deore, learned Advocate for the Defendant addressed the empanelled delegates as required under Section 19 of the Parsi Marriage and Divorce Act, 1936. The delegates heard both sides. I then briefly gave a summing up to the delegates.
5. After due deliberation, the delegates arrived at their decision. The decision is communicated to me by the Foreperson of the panel. The decision is unanimous. On facts, the delegates have answered Issue No.1 in the negative. Consequently, they have also answered Issue No.2 in the negative.
6. The signed decision of the Delegates on issues nos. 1 and 2 is taken on record and marked "X" for identification. If necessary, Advocates on both sides will be at liberty to apply for a copy of this signed decision.

7. The decision of the delegates on questions of fact is final and binding. As regards the procedure during the trial, the provisions of Code of Civil Procedure, 1908, the Bombay High Court (Original Side) Rules and the Evidence Act have been followed.

8. In view of the decision of the Delegates, no question arises of permanent alimony or maintenance. The suit is dismissed. There will be no order as to costs.

9. It needs only to be noted that the Plaintiff has obtained an order of maintenance of Rs. 10,000/- per month for the family under Section 125 of the Code of Criminal Procedure, 1973. According to Mrs. Contractor, the Defendant is in arrears and is in violation of the order, as a result of which the Defendant's passport has been impounded. These proceedings are not before me. It is clarified that both parties are at liberty to take appropriate steps or to pursue those proceedings in such manner as they are advised.

10. In view of the dismissal of the Suit, the pending Notices of Motion do not survive and are disposed of as infructuous.

(G. S. PATEL, J.)