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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 29 OF 2014

Hormuz Asphandiar Dadachanji	...Plaintiff No. 1
<i>Versus</i>	
Navaz Hormuz Dadachanji	...Plaintiff No. 2

Mr. Khushroo Driver, *with Mr. Farhad Marolia, i/b KRY Legal, for the Plaintiffs.*

CORAM: G.S. PATEL, J
DATED: 2nd February 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 husband and the 2nd Plaintiff is the wife. They were married on 27th January 2001 in Mumbai according to Zoroastrian rites and customs. They have one son, today about 7 years old, named Varzavand Hormuz Dadachanji.

2. Both Plaintiffs are personally present in Court. They have each filed evidence affidavits. They have, in Court, confirmed the correctness of the statements in their respective evidence affidavits.

3. After marriage, the parties lived together at Building No. 30, Flat No. 1, Old Kharegat Colony, Hughes Road, Mumbai – 400 007. However, since November 2009, there were serious differences between the parties. There were frequent quarrels and there was constant tension in the house. The parties found themselves unable to live together. With time, they found that they were incompatible and that it was no longer possible for them to live together as man and wife under the same roof. Since 27th February 2010, they have been living separately. The 2nd Plaintiff – wife lives at Byculla in Mumbai.

4. All attempts at a reconciliation have failed. The Plaintiffs have agreed to a divorce by mutual consent. They have drawn up consent terms. These are annexed as Exhibit “B” to the plaint. These are signed by both parties. They seem to be in order. Provisions have been made for custody, access and certain payments. The undertakings in the consent terms are accepted as undertakings to the Court.

5. 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 an order in terms of the consent terms, Exhibit “B” to the plaint. The Suit is decreed in terms of prayers (a) and (b).

6. Drawn up decree is dispensed with.

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)