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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 31 OF 2014

Feroza Rishad Pithawalla	...Plaintiff No. 1
<i>Versus</i>	
Rishad Hoshang Pithawalla	...Plaintiff No. 2

Ms. Aban G. Patel, *for Plaintiff No. 1.*
Ms. Narayana Suvarna, *for Plaintiff No. 2.*

CORAM: G.S. PATEL, J
DATED: 15th January 2015

PC:-

1. This is a Suit for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936. Both Plaintiffs are personally present in Court. Both of them have filed evidence affidavits dated 15th January 2015. They have in Court today attested and sworn to the correctness of these affidavits.

2. The Plaintiffs were married on 14th November 1994 in Mumbai according to Zoroastrian rites and customs. This was the first marriage for both. They have one child, a son named Varun, born on 1st July 1997. Varun is presently in care and custody of the 2nd Plaintiff, his father.

3. After marriage, both Plaintiffs lived together at Jamshedpur with 2nd Plaintiff's parents. On 10th May 2009, the Plaintiffs moved to Pune.

4. A few years into the marriage, the Plaintiffs realized that they were incompatible. For the sake of their son, then a minor, they continued with the marriage. With the passage of time, differences grew, and, despite attempts at reconciliation, the Plaintiffs were unable to resolve these differences.

5. Although they lived under the same roof, all marital relations as husband and wife ceased after August 2012. On 1st December 2014, the 1st Plaintiff-wife left the flat in Pune. She now resides at another address in Pune.

6. The Plaintiffs agree that they have been living separately though under the same roof from August 2012. They have now agreed to obtain a divorce by mutual consent. They have drawn up consent terms, and these are annexed as Exhibit "B" to the plaint. The consent terms are signed by both Plaintiffs. I have seen these consent terms and they appear to be in order. The undertakings in the consent terms are accepted as undertakings to this Court.

7. As the marriage was solemnized in Mumbai, this Court has jurisdiction.

8. In this view of the matter, there will be a decree in terms of prayer clauses (a) and (b) of the plaint. Drawn up decree is dispensed with.

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

(G. S. PATEL, J.)