

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN THE PARSI CHIEF MATRIMONIAL COURT AT
MUMBAI
PARSI SUIT NO. 1 OF 2016**

Pakzan Sarosh Dastoor	...Plaintiff No. 1
<i>And</i>	
Kaivaan Jehangir Movdawalla	...Plaintiff No. 2

Mr. Narayana B. Suvarna, *for the Plaintiff No. 1.*
Mrs. Aban Patel, *for the Plaintiff No. 2.*

CORAM: G.S. PATEL, J
DATED: 21st April 2016

PC:-

1. This is a Petition for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936. The 1st Plaintiff is the wife. The 2nd Plaintiff is the husband. They were married on 3rd December 2011 in Mumbai according to the Zoroastrian rights and customs. This was the first marriage for both. The 1st Plaintiff has retained her maiden name after marriage.

2. The parties have no children. Immediately after marriage, they lived together as man and wife in Mumbai at the 2nd Plaintiff's parents' house.

3. A few years later, the Plaintiffs realised that they were incompatible. Serious differences arose between them. They were unable to reconcile these despite all efforts and the intervention of friends and family. The parties drifted apart.

4. On 1st October 2014, the 1st Plaintiff left the matrimonial home. Since then, she is staying at a separate residence at Andheri (West). The 2nd Plaintiff continues to reside at his parents' house.

5. The Plaintiffs have now decided to take a divorce by mutual consent. They say that from 1st September 2014, they are living apart and there has been no cohabitation since then.

6. Both Plaintiffs are personally present in Court. They have today tendered their respective affidavits in lieu of examination-in-chief.

7. Annexed to the plaint are Consent Terms at Exhibit "B" dated 4th February 2016. It seems that parties have since revised these Consent Terms. Amended Consent Terms are tendered. These are signed by the parties and their Advocates. In these Consent Terms, provisions have been made for alimony, maintenance, return of personal belongings, joint property and other matters. There are undertakings by the 1st Plaintiff not to make any claim in or in respect of the matrimonial home at Juhu.

8. Having considered the Consent Terms, I am satisfied that they reflect the true intention of the parties and that they have been arrived at by the parties of their own volition, and without fraud or

coercion of any kind. I am also satisfied that the Consent Terms are not contrary to law. The Consent Terms are taken on record and marked "X" for identification. The undertakings in the Consent Terms are accepted as undertakings to the Court. The Consent Terms tendered today are to be added to the Petition as Exhibit "B1". Leave to amend. Amendment to be carried out forthwith in Court, without need of reverification.

9. There is no impediment to the grant of relief. This Court has jurisdiction.

10. In view thereof, 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 32-B of the Parsi Marriage and Divorce Act, 1936. There will also be a decree in accordance with the Consent Terms, taken on record and marked "X" for identification (now Exhibit "B1") with the undertakings in the Consent Terms accepted as undertakings to the Court.

11. Decree to be drawn up expeditiously.

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

(G. S. PATEL, J.)