

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 8 OF 2016**

Porus Pesi Sinor	...Plaintiff No. 1
<i>Versus</i>	
Delnaz Porus Sinor	...Plaintiff No. 2

Mrs. A.S. Khushrushani, *with Ms. N. Almeida, for both the
Plaintiffs.*

CORAM: G.S. PATEL, J
DATED: 26th April 2016

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. The 2nd Plaintiff is the wife. They were married on 27th November 2004 according to Zoroastrian rights and customs in Mumbai. This was the first marriage for both.

2. The parties have two children. Their son Maazyaar was born on 31st March 2007. Their daughter Naasha was born on 20th November 2009.

3. After marriage, parties lived together as man and wife at the 2nd Plaintiff's residence at Byculla.

4. In 2011, disputes and differences arose between the parties. They felt themselves to be incompatible. They were unable to reconcile their differences despite all efforts and despite the intervention of family and friends. They found it impossible to live together. From September 2013 they have been living separately, though under the same roof.

5. The parties have now agreed to obtain a divorce by mutual consent. They have also drawn up Consent Terms which are annexed as Exhibit "B" to the Complaint.

6. Both parties are personally present in Court. They have also filed their respective Affidavits in lieu of examination in chief.

7. I have seen the Consent Terms. I am satisfied that these are fair and reasonable. They make adequate provision for custody and maintenance and other matters. I am also satisfied that these Consent Terms reflect the true intention of the parties and are executed without any coercion or fraud. The Consent Terms are signed by both the parties and Mrs. Khushrushahi, their Advocate. The Consent Terms are not contrary to law. The undertakings in the Consent Terms are, therefore, accepted as undertakings to the Court.

8. In view thereof, the Suit is decreed in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved under Section 32-B of the Parsi Marriage and Divorce Act, 1936. There will also be a decree in accordance with the Consent Terms, the undertakings in which are accepted as undertakings to the Court.

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

(G. S. PATEL, J.)