

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO.9 OF 2016

Tarana Mehernosh Pithawalla	...Plaintiff No.1
<i>And</i>	
Mehernosh Boman Pithawalla	...Plaintiff No.2

Mr. Nilufer B. Gadiwalla, *i/b C.J. Pooniwala for Plaintiffs Nos. 1 and 2.*

CORAM: G.S. PATEL, J
DATED: 14th July 2016

PC:-

1. This is a Suit 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. Both are present in Court.

2. The parties were married on 2nd March 2004 in Mumbai. They have no children. After marriage both Plaintiffs lived together as man and wife at the 2nd Plaintiff's residence at Godrej Baug, 4th Floor, Off Nepean Sea Road, Mumbai 400 026.

3. With the passage of time, the Plaintiffs found themselves to be incompatible. They were unable to reside together. By February 2008 their differences had sharpened. They attempted to resolve

these, but without success. In November 2014, 1st Plaintiff left the matrimonial home and began residing with the parents.

4. Both Plaintiffs have lived separately for more than a year before the filing of the Suit.

5. The Plaintiffs have now decided by mutual agreement to dissolve their marriage. They have drawn up Consent Terms that are annexed as Exhibit “B” to the Plaint. I have seen these Consent Terms. Clause 1 provides that neither of the Plaintiffs have a demand against the other. Clause 2 provides that all exchanges of jewellery and other issues have been mutually settled before the Suit was filed. Finally, Clause 3 provides that neither party will have any further claim on the other hereafter.

6. I am satisfied that the Suit is filed by the parties of their own volition and that there is no element of force, fraud, coercion, undue influence or collusion between the parties.

7. Both parties have tendered Affidavits in lieu of Examination in Chief, in which they confirm the correctness of what is stated in the Plaint.

8. In view of this, the Suit is decreed in terms of prayers (a) and (b). The marriage of the parties is dissolved by mutual consent. There will also be a decree in accordance with the Consent Terms annexed at Exhibit “B” to the Plaint.

9. Issuance of a drawn up decree is expedited.
10. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)