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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 16 OF 2016**

Kainaaz Daneshmand Unwalla	...Plaintiff No. 1
<i>And</i>	
Daneshmand Homi Unwalla	...Plaintiff No. 2

**Mrs. Mrunalini Deshmukh, i/b Mr. Narayana B. Suvarna, for both
the Plaintiffs.**

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

PC:-

1. The Plaintiffs seek a divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936. The Plaintiffs were married on 23rd December 2006 in Mumbai according to Zoroastrian rites and ceremonies. The 1st Plaintiff wife was then unmarried. The 2nd Plaintiff husband was previously married and divorced. Both Plaintiffs are Parsi Zoroastrians.

2. The Plaintiffs had one child Jahaan born on 11th March 2010. He is presently with the 1st Plaintiff wife.

3. After marriage, the parties lived together as husband and wife at Dadar Parsi Colony, Mumbai. A few years after marriage, the parties found themselves to be incompatible. They attempted to

resolve their differences, but were not successful. Although living in the same house, they stayed apart and there has been no cohabitation between them since 10th January 2013.

4. Finally, on 1st December 2015 the 2nd Plaintiff husband left the matrimonial home. He presently resides elsewhere at Khareghat Road, Dadar Parsi Colony, Mumbai while the 1st Plaintiff wife continues to stay at Jame Jamshed Road, Dadar Parsi Colony, Mumbai.

5. All attempts by friends and family to bring the parties together have failed. The parties have, therefore, decided to dissolve their marriage by mutual consent.

6. To this end, they have drawn up Consent Terms. These are annexed at Exhibit "B" to the plaint from pages 11 to 16. I have considered these Consent Terms. Provision is made here for custody, access, vacation access, relocation of the minor child outside Mumbai, maintenance, alimony, child support, education of the minor and the questions relating to jewellery and personal estate.

7. The Consent Terms are in order. The undertakings in the Consent Terms are accepted as undertakings to the Court.

8. Both Plaintiffs are present in Court. They have each filed Affidavits in lieu of examination-in-chief. Both confirm the correctness of what is stated in the Plaint and the Affidavits.

9. There being no impediment to the grant of relief, the Suit is decreed in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936.

10. There will also be a decree in terms of the Consent Terms, Exhibit “B” to the Plaint. Decree to be drawn up in accordance with the Consent Terms.

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

(G. S. PATEL, J.)