

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PARSI SUIT NO.4 OF 2017

Burzin Kersi PatelPlaintiff No.1

V/s.

Mrs.Delna Burzin PatelPlaintiff No.2

Ms.Kainaz Irani i/by Aishwarya Joshi for plaintiffs.

Mr.Burzin Kersi Patel-plaintiff no.1 present in person.

Ms.Delna Burzin Patel-plaintiff no.2 present in person.

CORAM : K.R.SHRIRAM,J

DATE : 3.4.2017

P.C.:-

(I) Name : Burzin Kersi Patel

Age : 33 years

Occ. : Srvicce

Address : Salsette Parsi Colony, Building No.1-A, 7th Floor, Flat
No.703, Pump-House, Andheri (East), Mumbai-400 093.

Examination-in-chief of plaintiff no.1-Burzin Kersi Patel :- by

Ms.Kainaz Irani

On S.A.

I say that I have signed an affidavit dated 14.3.2017 and
also identify my signature. The contents thereof are correct.

PC :-

The affidavit is taken on record and marked **Exh.P-1.**

No further examination-in-chief

No cross-examination.

(II) Name : Ms.Delna Burzin Patel

Age : 36 years

Occup. : Service

Address : A-303, Auhna Apartments, Edulji Road, Charai, Thane
(West) Mumbai-400 601.

Examination-in-chief of plaintiff no.2 Ms.Delna Burzin Patel :- by

Ms.Kainaz Irani

1 I say that I have signed an affidavit dated 14.3.2017 and also identify my signature. The contents thereof are correct.

PC :-

The affidavit is taken on record and marked **Exh.P-2.**

No further examination-in-chief

No cross-examination.

(III) This is a suit for divorce by mutual consent as per section 32-B of the Parsi Marriage and Divorce Act, 1936. The 1st plaintiff is the husband and the 2nd plaintiff is the wife. They were married on 16.1.2011 in accordance with the Parsi Religion and Customs. This was the first marriage for both the plaintiffs. There is one son born to them, viz., Reyansh born on 10.12.2012.

2 Though the relations between the two were cordial initially, with passage of time irrevocable differences cropped up and a stage came when both the plaintiffs found their relationship to be totally incompatible and they started drifting away from each other. Despite best efforts to save the marriage by intervention of family members and friends, the differences could not be resolved.

3 In view of the irreconcilable differences since October-2012, the plaintiffs started living separately from each other and since then they have never cohabited nor had any matrimonial relationship with each other.

4 With a view to avoid acrimonious litigations, the parties have arrived at settlement with regard to maintenance, property & custody of the minor Rayansh and have agreed to dissolve the marriage by mutual consent. The parties have already entered into consent terms dated 14.3.2017 which is annexed at Exh.C to the petition. The consent terms take care of the custody and maintenance of the minor child as well and also the expenses for the education of the minor child among other things. Both the parties undertake to abide by the consent terms.

5 I do not find any impediment to grant the relief sought for. Therefore, the marriage of the parties is dissolved by mutual consent. Suit decreed in terms of prayer clauses-(a) and (b). Decree be drawn up expeditiously.

All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)