

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

PARSI SUIT NO.20 OF 2017

Rohinton Murzban Bharucha ... Plaintiff No.1.

And

Nilufer Rohinton Bharucha ... Plaintiff No.2.

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Mr. Rajan Jayakar a/w Ms. Namrata Jayakar i/b Jayakars for Plaintiff No.1.
Ms. Pooja Jalan for Plaintiff No.2.

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CORAM : S.C.GUPTE, J.

DATE : 12 OCTOBER 2017

P.C. :

. This suit is for divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936 ("Act"). It is the case of the parties that their marriage was solemnized under the Act; that they have been living separately for a period of more than one year; that they have not been able to live together; and that they have mutually agreed that the marriage should be dissolved. Both Plaintiffs have filed their respective affidavits dated 6 October 2017, affirming *inter alia* the fact that they were married on 11 December 1989 according to Parsi Zoroastrian rites and customs; that they last cohabited in June 2007 and have been living separately since 2009; and that despite several efforts of reconciliation, they cannot live together anymore and their marriage has irretrievably broken down and, accordingly, seek decree under Section 32B of the Act. There does not appear to be any collusion or connivance between the parties and their consent appears to be free and not obtained by force or

fraud.

2 Consent Terms signed by the parties and their respective Advocates for divorce by mutual consent and annexed as Exhibit 'B' to the plaint. Learned Counsel for Plaintiff No.2 confirms having received a demand draft of Rs.85,00,000/- from Plaintiff No.1 as mentioned in clause-6 of the consent terms. Clause-6 provides for payment of the balance amount by demand draft within a period of three months, against simultaneous vacating and handing over of the suit flat by Plaintiff No.2 to Plaintiff No.1. All statements and undertakings contained in the consent terms including the statement as to the payment of the balance amount, are accepted.

3 In the premises, there will be a decree in terms of prayer clause-(a) of the plaint. The marriage between the parties has been dissolved with effect from the date of the decree.

4 The consent terms being Exhibit "B" to the plaint shall form part of the decree of divorce by mutual consent passed herein.

(S.C. GUPTE, J.)