

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN THE PARSİ CHİEF MATRİMONİAL COURT AT BOMBAY
PARSİ SİT NO. 22 OF 2016

Mr.Hormuz Noshir Parekh

..... Plaintiff

VERSUS

Mrs.Janetta Hormuz Parekh

..... Defendant

Ms.Zenobia Irani for the Plaintiff.

None for the Defendant.

CORAM : R.D. DHANUKA, J.

DATE : 1st AUGUST , 2017

P.C.

The plaintiff has already tendered affidavit of service dated 21st July, 2017 which indicates that the defendant has been served with the writ of summons as well as the papers and proceedings. None appeared for the defendant when the matter was called out. No written statement is filed.

2. By this suit, the plaintiff seeks decree of divorce against the defendant dissolving the marriage solemnized on 18th January,2011 between the plaintiff and the defendant.

3. Mrs.Irani, learned counsel appearing for the plaintiff states that the parties were married on 18th January,2011 in Mumbai according to the Parsi Zoroastrian Religion and Customs. There was irretrievable break down of the marriage. The parties therefore filed proceedings in the Federal Circuit Court of Australia. On 2nd September,2014, the Australia Court passed a decree of divorce between the parties. A copy of the divorce order dated 2nd September, 2014 is annexed at Ex.B

to the plaint.

4. It is submitted that since the parties were married under the Parsi Law, the parties are required to obtain a decree of divorce by filing this proceedings in this Court.

5. A perusal of the record indicates that the Federal Circuit Court of Australia has passed a decree of divorce on 2nd September, 2014. The parties have been staying separately since then. The defendant has not denied that the plaintiff and the defendant has settled the claim of alimony and there is no claim against each other.

6. Since no written statement is filed by the defendant and in view of the fact that the Federal Circuit Court of Australia has already passed a decree of divorce on 2nd September, 2014 dissolving the marriage between the plaintiff and the defendant, the plaintiff has made out a case for decree of divorce dissolving the marriage. I, therefore, pass the following order :-

- (a) The suit is decreed in terms of prayer clause (a).
- (b) No order as to costs.

(R.D.DHANUKA, J.)