Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 3 OF 2018

Anosh Erach Kanga …Plaintiff No. 1
And
Pearly Anosh Kanga …Plaintiff No. 2

Mrs Munalini Deshmukh, *a/w Mr Narayana B Suvarna, for Plaintiff No. 1.*
Ms Armaity Khushrushahi, *for Plaintiff No. 2.*

CORAM: G.S. PATEL, J
DATED: 20th April 2018

PC:-

1. This is a Petition under Section 32B of the Parsi Marriage and Divorce Act, 1936. The Plaintiffs seek a divorce by mutual consent. The 1st Plaintiff is the husband. The 2nd Plaintiff is the wife. They were married on 21st February 2016 in Mumbai according to Parsi Zoroastrian rites and customs. This was the first marriage for both. They have no children. Both the Plaintiffs are Parsi Zoroastrians and are domiciled in India.

2. After marriage, the Plaintiffs lived together as man and wife with the 1st Plaintiff's parents at Khar. The Petition says in paragraph 4 that this was an arranged marriage.

3. Differences arose between the Plaintiffs within just a few months after the marriage. They found it impossible to reconcile or resolve these differences. In December 2016, the 2nd Plaintiff left the matrimonial home and returned to her parents' house which is also at Khar. The parties have been living apart since then. Although they have been attempted to resolve their differences, they have not succeeded. Interventions by family members and friends have also been unsuccessful.

4. The Plaintiffs having been living apart for more than a year before filing the Suit. The parties have agreed to dissolve their marriage by mutual consent. There is no fraud or coercion.

5. In regard to the alimony and maintenance the parties have arrived at Consent Terms. These are annexed at Exhibit "B" to the Plaint. The Consent Terms are signed by both Plaintiffs and their respective Advocates. These are in order. The undertakings in the Consent Terms are accepted as undertakings to the Court.

6. There is no impediment, in my view, to the grant of relief.

7. 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.

8. In this view of the matter, the Suit is decreed in terms of prayer clause (a). The marriage of the parties is dissolved by mutual

consent under Section 32B of the Parsi Marriage and Divorce Act, 1936.

9. There will also be an order in terms of the Consent Terms. Decree to be drawn up expeditiously in accordance with the Consent Terms.

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

(G. S. PATEL, J)