

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 12 OF 2018**

Ruhzan Homi Sena	...Plaintiff No. 1
<i>And</i>	
Anahita Ruhzan Sena	...Plaintiff No. 2

**Mrs Armaity S Khushrushani, with Nerissa Almeida, for the
Plaintiffs.**

**CORAM: G.S. PATEL, J
DATED: 19th September 2018**

PC:-

1. The two Plaintiffs, both present in Court, seek by mutual consent a dissolution of their marriage divorce under Section 32-B of the Parsi Marriage & Divorce Act, 1936. The 1st Plaintiff is the husband. The 2nd Plaintiff is the wife. They were married on 19th January 2015 in Mumbai according to Parsi Zoroastrian rites and customs. This was an arranged marriage.

2. After marriage, the Plaintiffs lived as man and wife with the 1st Plaintiff's parents in Vasai (West), District Thane. The Plaintiffs have no children from this marriage.

3. The two found it difficult to adjust and disputes and differences soon arose, and they were unable to resolve these, even

with the intervention and aid of family and friends. The Plaintiffs themselves incompatible. They drifted apart, and ceased to cohabit although they lived under the same roof. Finally, in August 2016 the 2nd Plaintiff moved out of the matrimonial home and returned to her own parents' house. The parties have been living apart since then, i.e. for more than a year before the presentation of this plaint.

4. They have now agreed to take a divorce by mutual consent. They have filed Consent Terms. These are at Exhibit "B" to the plaint. I am satisfied that these are in order and not contrary to law and have been arrived at by the parties of their own volition. The amounts mentioned in the Consent Terms have been paid. The undertakings in the Consent Terms are accepted as undertakings to the Court.

5. The Plaintiffs have also tendered their respective Affidavits in lieu of examination-in-chief.

6. There is no impediment to the grant of relief. I am satisfied that the suit is not collusive and that both parties have sought this divorce without coercion or duress.

7. The Suit is decreed in terms of prayer clauses (a) and (b), i.e., the marriage of the parties is dissolved by mutual consent under Section 32-B of the Parsi Marriage & Divorce Act, 1936. There will also be a decree in accordance with the Consent Terms, Exhibit "B" to the Petition.

8. Decree to be drawn expeditiously.

(G. S. PATEL, J)