

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PARSI SUIT NO. 14 OF 2018

Mahatab R Jamaji ...Plaintiff No.1

And

Paurushaspa F Hyderabadwalla ...Plaintiff No.2

Mrs Armaity S Khushrushahi, *with Ms Nerissa M Almeida, for*
Plaintiff No.1.

Ms Anagha Nimbkar, *for Plaintiff No.2.*

CORAM: G.S. PATEL, J

DATED: 16th October 2018

PC:-

1. The Suit is for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act 1936. Both Plaintiffs are present in Court. The 2nd Plaintiff is the husband. The 1st Plaintiff is the wife. They were married on 16th December 2011 in Mumbai according to Parsi Zoroastrian rites and customs. Shortly after marriage, the 2nd Plaintiff left for Dubai where he was employed. The 1st Plaintiff joined him two weeks later and they lived together there as husband and wife.

2. The Plaintiffs have no children.

3. Within about four years of marriage, the Plaintiffs found themselves incompatible. Severe differences arose between them and they could not resolve these either mutually or even through the

intervention of family and friends. The couple drifted apart and although under the same roof, they severed all matrimonial ties in August 2017. On 8th April 2018 the 1st Plaintiff left the matrimonial home and moved to another residence in Dubai where she lives till date.

4. The parties say they have been living apart since August 2017, i.e. for a period of one year prior to the presentation of this Suit. They say they have now agreed to take a divorce by mutual consent. They have also drawn up Consent Terms. These are at Exhibit “B” to the Plaint and are signed by both parties and their Advocates. The Consent Terms are in order and are not contrary to law. I am satisfied that the Consent Terms have been drawn by the parties of their own volition in reflection of their true intentions. I am also satisfied that there is no coercion, fraud or force in the bringing of this Petition. There is no impediment to the grant of relief. The Plaintiffs have each tendered Evidence Affidavits. The statements in those Affidavits are accepted.

5. The Suit is decreed in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act 1936. There will also be a decree in accordance with the Consent Terms at Exhibit “B” to the Plaint. The decree is to be drawn up accordingly. The drawing up of the decree is expedited. All concerned will act on an authenticated copy of this order.

(G. S. PATEL, J)