

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO.23 OF 2017

Kaizaad B Lala	...Plaintiff No.1
<i>Versus</i>	
Zarrin K Lala	...Plaintiff No.2

Mr Navin P Sachanandani , *for Plaintiffs Nos. 1 &2.*

CORAM: G.S. PATEL, J
DATED: 29th January 2018

PC:-

1. The suit is for divorce by mutual consent under Section 32-B of the Parshi Marraige and Divorce Act. Plaintiff No.1 is the husband. Plaintiff No.2 is the wife. They were married on 27th April 2008 at Cama Baug, Khetwadi, Grantroad, Mumbai according to the Parsi Zoroastrian rites and customs. They have two children, daughter named Naaznin, today about 4 years and 10 months old and a second daughter named Meher who was born on 16th January 2017.

2. It seems that while initially the Plaintiff lived together as man and wife till 2010 jointly with the 1st Plaintiff's parents, they shifted to rented accommodation in Vasai. Serious differences arose between the parties in April 2016 which the parties were unable to

resolve. The Plaintiff No.2, the wife, left the matrimonial home in August 2016. The Plaintiffs have not cohabited since, i.e., for a period of over one year.

3. Naaznin, the elder daughter is with the 1st Plaintiff, the husband, while the second daughter, Meher is with the wife, the 2nd Plaintiff.

4. The parties have agreed to take a divorce by mutual consent. Hence this Petition. Both are present in Court. Both tender Affidavits in lieu of Examination-in-Chief which are taken on record.

5. At **Exhibit “D”** to the Complaint are consent terms. While these generally in order I have in particular considered Clause 2 which provides that the custody of Naaznin is to be with the father and the custody of Meher is to be with the mother. The costs of maintenance and education of both daughters will be borne by their respective custodian guardians exclusively. At the same time the Plaintiffs have made provisions for free access to both daughters and this is absolutely critical as both daughters must know both parents.

6. Despite the somewhat unusual circumstances in which this Suit is brought, I believe that there is no impediment to the grant of relief.

7. There will be a decree in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved by mutual consent. There

will also be a decree in terms of consent terms, **Exhibit “D”** to the Petition. I have corrected the typographical error in the prayer Clause (b) of the plaint.

8. All concerned to act on an authenticated copy of this order.
Drawn up decree expedited.

(G. S. PATEL, J)