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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 24 OF 2017**

Naozad Kaikobad Sirwalla	...Plaintiff No. 1
<i>And</i>	
Parizad Naozad Sirwalla	...Plaintiff No. 2

**Ms Armaity S Khushrushahi, with Nerissa M Almeida, for the
Plaintiffs.**

**CORAM: G.S. PATEL, J
DATED: 18th January 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 26th January 1999 at Albless Baug, Girgaum, Mumbai according to Parsi Zoroastrian rites and customs. This was the first marriage for both. Both the Plaintiffs are Parsi Zoroastrians and are domiciled in India. They have one son named Urvakhsh, born on 27th September 2002.

2. After marriage, the Plaintiffs lived together as man and wife at 5, Papa Building, Mori Road, Mahim, Mumbai 400 016 with the 1st Plaintiff's parents until 2004. They then shifted to 501-502 Rahul

Nikita CHS, MM Chotani Cross Road No. 3, Mahim (West),
Mumbai 400 016.

3. In 2012, serious disputes and differences arose between the Plaintiffs. They were unable to resolve these. They drifted apart. They were unable to live together. On 14th April 2016, the 1st Plaintiff moved out of the matrimonial home and severed all matrimonial ties with the 2nd Plaintiff. He has been living apart since then at 301, Casa Baptista, 2nd LJ Cross Road, Mahim (West), Mumbai 400 016. The parties have thus been living apart for more than one year from 2016 onwards.

4. The parties have now agreed to take a divorce by mutual consent under Section 32B of the Parsi Marriage & Divorce Act 1936. They have made arrangements in regard to the custody of their minor son, maintenance and access. Their consent has been obtained without coercion.

5. The parties have drawn up Consent Terms. These are annexed at Exhibit "B" to the plaint. I have considered these Consent Terms. They are signed by both parties. I have seen the Consent Terms. They are in order and not contrary to law.

6. The undertakings in the Consent Terms are accepted as undertakings to the Court.

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. There is no impediment to the grant of relief. The Suit is decreed in terms of prayer clauses (a) and (b). 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.)