

IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY**PARSI SUIT NO.4 OF 2019**

Mrs. Navaz K Wadia ..Plaintiff No.1
And
Mr. Kaizad K Wadia ..Plaintiff No.2

Ms Sanobar Nanavati for Plaintiffs
Mrs. Navaz Wadia Plaintiff No.1 present
Mr. Kaizad Wadia Plaintiff No.2 present

CORAM : K.R.SHRIRAM, J.
DATE : 18th FEBRUARY, 2019

P.C.:

1 Name : Navaz K Wadia (Plaintiff No.1)
Age : 45 years
Occu. : Housewife
Residing at : 3/2 Ground floor, Panthaky Baug,
H. S. Lane, Andheri (E), Mumbai 400069
On S. A.

Further examination in chief of Plaintiff No.1 by Ms Sanobar

Nanavati for Plaintiffs:-

I say that I have signed an affidavit dated 6th February, 2019. I
identify my signature. Contents thereof are correct.

Affidavit is taken on record and marked as **Exh.P-1**.

No cross-examination.

2 Name : Kaizad Wadia (Plaintiff No.2)
Age : 47 years
Occu. : Service

Residing at : 3/2 Ground floor, Panthaky Baug,
H. S. Lane, Andheri (E), Mumbai 400069
On S.A.

Further examination in chief of Plaintiff No.2 by Mr. Roshan

Yadav for plaintiffs:-

I say that I have signed an affidavit dated 6th February, 2019. I identify my signature. Contents thereof are correct.

Affidavit is taken on record and marked as **Exh.P-2**.

No cross-examination.

3 This is a suit for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936. The 1st Plaintiff is the wife and the 2nd Plaintiff is the husband. They were married on 10th February 2001, according to the Parsi Zoroastrian rites and customs and this was the first marriage for both. There is one daughter aged 15 years approximately by name Kazween. After marriage, both lived as husband and wife at 3/2 Ground floor, Panthaky Baug, H. S. Lane, Andheri (E), Mumbai 400069.

4 Though their marriage was normal in the beginning, over the years, they realized that they were totally incompatible as their outlook on life and lifestyles and habits were totally different. Therefore both decided to dissolve their marriage.

5 In view of the above Plaintiff No.1 and Plaintiff No.2 for the benefit of the daughter have been leaving separately, though in the same flat, but have not had any conjugal relations with each other since 2016. Even thereafter they have been making efforts to see if their differences could be resolved, but have been unable to do so. The Consent Terms, dated 6th February 2019, between the parties is annexed at Exh.'B' to the plaint. It is stated by plaintiff no.2 in the consent terms that he shall vacate the Panthhaky Baug residence and move out with all his belongings and hand over quiet, vacant and peaceful possession of the said premises to plaintiff no.1. Statement accepted as an undertaking to this court. It is also stated that plaintiff no.2 shall pay a sum of Rs.10,000/- towards the maintenance of the minor Kazween and also bear all the expenses for her education till such time the minor graduates. Thereafter, if the minor wishes to pursue higher education, plaintiff no.1 and plaintiff no.2 shall share the expenses equally. Plaintiff no.2 states that as far as medical requirements of the minor is concerned, he has a medical claim policy in favour of the daughter. He shall continue to take the medical policy for minor until she is 21 years of age. Plaintiff no.2 states that even if, there is any medical requirement, which is not covered under the policy, he shall take care of the same as well. It is also stated in the Consent Terms that all their personal belongings, gifts, jeweleries etc. which were presented at the time of marriage and other belongings owned by them jointly have already

been exchanged and no exchange of any articles is pending between them. The statements in the consent terms are accepted as undertaking to this Court.

6 I do not find any impediment to the grant of relief. Therefore, the marriage of the parties is dissolved by mutual consent. The suit is decreed in terms of prayer clauses (a) and (b).

7 Decree be drawn up expeditiously.

8 All concerned to act on a copy of this order authenticated by the Associate of the Court.

(K.R. SHRIRAM, J.)