

**IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY
PARTI SUIT NO.5 OF 2019**

Dinshaw S. KaranjiaPlaintiff no.1

And

Anahita K. KotwalPlaintiff no.2

Ms. R. Variava i/b. Kawashaw Jagose for plaintiff no.1.

Mr. Arnold Thomas for plaintiff no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 24th APRIL 2019

P.C.:

1 **Name** : Dinshaw S. Karanjia (Plaintiff no.1)
 Age : 40 years
 Occupation : Service
 Address : 12A, Tardeo Court, 251, Tardeo Road,
 Mumbai - 400 007

on S.A.

Further examination-in-chief of plaintiff no.1 by Ms. Variava :

I say that I have affirmed an affidavit dated 16.03.2019. I identify my signature. Contents thereof are correct.

P.C.: The affidavit is taken on record and marked **Exhibit P-1**.

No cross examination.

2 **Name** : Anahita K. Kotwal (Plaintiff no.2)
 Age : 36 years
 Occupation : Service
 Address : No.5, Dr. Turner Building, Gamadia Colony, Tardeo,
 Mumbai 400 007

on S.A.

Further examination-in-chief of plaintiff no.2 by Mr. Thomas :

I say that I have affirmed an affidavit dated 16.03.2019. I identify my signature. Contents thereof are correct.

P.C.: The affidavit is taken on record and marked **Exhibit P-2**.

No cross examination.

3 This is a suit for divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936. The first plaintiff is the husband and the second plaintiff is the wife. They were married on 26.03.2016 according to the Parsi Zoroastrian rites and customs. This was the first marriage for both of them and there are no children in the said marriage. After marriage, they resided together at 12A, Tardeo Court, 251, Tardeo Road, Mumbai - 400 007.

4 After some time serious compatibility issues and differences arose between plaintiffs on anything and everything which created an unpleasant atmosphere in the matrimonial home. Plaintiffs found that they could not lead a harmonious life with each other despite being repeatedly counselled by elders in the family. On or about 24.02.2018 plaintiff no.2 left the matrimonial home and went back to reside with her parents severing all matrimonial ties with plaintiff no.1. Despite their best efforts and the efforts put in by their respective families and friends, plaintiffs have been unable to resolve their differences and find no hope in the marriage. Since 24.02.2018 they have been living separately. The consent terms dated 16.03.2019

between the parties is annexed at Exhibit "B" to the plaint. It is stated in the consent terms that both plaintiffs have waived their right of alimony and maintenance against each other, they have no right or title or interest or claims on each other's personal assets and they shall sign all documents and forms to get their names removed from any joint accounts or investments or investments and insurance policies or government ID etc. The statements given in the consent terms are accepted as undertaking to this Court.

5 In view of the above, 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), which read as under :

(a) That the marriage solemnized between the plaintiff no.1 and plaintiff no.2 on 26.03.2016 at Albless Baug, Girgaum, Mumbai be dissolved under Section 32B of the Parsi Marriage and Divorce Act, 1936 and decree of divorce be passed in their favour;

(b) For orders in terms of consent marked as Exhibit "B" hereto.

6 Decree be drawn up expeditiously.

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

(K.R. SHRIRAM, J.)