

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PARSI SUIT NO.6 OF 2019

Behram Minocher Afagh)...Plaintiff No.1

And

Khushnuma Behram Afagh)....Plaintiff No.2

Ms.Taubon F.Irani for plaintiff no.1.

Mr.Rohaam Cama a/w Ms.Madhu Gadodia and Ms.Priyanka Manghat
I/by Naik Naik and Co. for plaintiff no.2.

CORAM : K.R.SHRIRAM,J

DATE : 25.3.2019

P.C.:-

Name : Behram Afagh (Plaintiff No.1)
Age : 36 years
Occ. : Business
Address : 811-814, Jame Jamshed Bldg., Flat No.57, 2nd floor,
Jame Jamshed Road, Dadar (East), Mumbai-400 014.

On oath

Further Examination-in-chief of plaintiff no.1 : by Ms.Irani for
plaintiff no.1

1. I say that I have signed an affidavit dated 19.3.2019. I
identify my signature. Contents thereof are corrected.

PC :-

The affidavit is taken on record and marked **Exh.P-1.**

No cross-examination.

2. Witness discharged.

Name : Dr.Khushnuma Behram Afagh (Plaintiff No.2)
Age : 32 years
Occ. : Doctor
Address : 598-A, Wadia Building, Flat No.7, Mumbai-400 002.

On oath

Further Examination-in-chief of plaintiff no.2 : by Mr.Rohan Cama
for plaintiff no.2.

3. I say that I have signed the affidavit dated 19.3.2019. I identify my signature. Contents thereof are correct.

PC

The affidavit is taken on record and marked **Exh.P-2.**

No cross-examination. Witness discharged.

4. 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 husband and the 2nd plaintiff is the wife. They were married on 19.1.2017 at Mumbai according to the Parsi Zoroastrian Rites and Customs. It was the first marriage of plaintiff no.1 and the 2nd marriage for plaintiff no.2. There is one son of this marriage Pashan Bahram Afagh born on 25.8.2017.

5. After marriage both plaintiffs were residing as husband and wife and last resided at 811, Jame Jamshed Building, flat no.57, 2nd floor, Jame Jamshed Road, Dadar (East), Mumbai-400 014. Both lived under the said roof till 15.3.2018. As irreconcilable differences arose between the parties it became impossible to them to live together. It is stated that both stopped co-habiting as husband and wife from 15.3.2018. Despite numerable efforts by family and friends, the differences could not be resolved and the marriage broke down irretrievably. Parties therefore, decided to have their marriage dissolved as per the consent terms dated 1.11.2018. As those consent terms were entered into another legal proceeding, parties entered into fresh consent terms dated 19.3.2019 which is annexed to the plaint at Exh.E. The consent terms also provide for the custody of the minor, visitation rights of the minor Pashan granted to plaintiff no.1. Both parties state that they have no claim against each other and undertake to abide by the terms of the consent terms. Undertaking accepted.

6. I do not find any impediment to grant of relief. Therefore, the marriage of the parties is dissolved by mutual consent.

7. Suit is decreed in terms of prayer clauses-(a) and (b) and

the same read as under :-

“(a) This Hon'ble Court be pleased to dissolve their marriage solemnized on 19th January, 2017 under section 32B of The Parsi Marriage & Divorce Act, 1936 ;

(b) This Hon'ble Court be pleased to pass a decree inter alia in terms of Consent Terms at Exhibit E as part of the decree of divorce.”

8. Decree be drawn up expeditiously.

All to act on authenticated copy of this order.

(K.R.SHRIRAM,J)