

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 8 OF 2021**

Ayesha R Engineer	...Plaintiff No.1
<i>And</i>	
Ruzbeh P Engineer	...Plaintiff No.2

Mrs Armaity S Khushrushahi, *for the Plaintiffs.*

**CORAM: G.S. PATEL, J
(Through Video Conferencing)**

DATED: 9th August 2021

PC:-

1. The parties seek a divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act 1936. The 1st Plaintiff is the wife. She is present in Court. The 2nd Plaintiff is the husband. He is in Bahrain and has joined online.

2. The parties were married on 4th January 2003 in Mumbai according to Parsi and Zoroastrian rites and customs. They have no children.

3. After marriage both Plaintiffs left for Bahrain and lived there as man and wife. The 2nd Plaintiff is still employed in Bahrain.

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4. Over time, serious differences arose between the Plaintiffs. They could not resolve these. No reconciliation was possible. The intervention of family and friends did not succeed. The Plaintiffs drifted apart. They were unable to continue living under the same roof. On 22nd June 2018, the 1st Plaintiff left the matrimonial home at Bahrain and returned to India. The parties have thus been living apart from 22nd June 2018, i.e. for more than one year prior to the institution of this Suit.

5. Both parties have agreed that they are unable to live together. They have agreed to take a divorce by mutual consent. They state that their marriage should be dissolved.

6. They have also arrived at Consent Terms. A signed copy is at Exhibit "B" to the plaint. The Consent Terms are in order. A provision is made for settlement. I am satisfied that the Consent Terms have not been obtained by fraud or coercion and both parties have signed these Consent Terms of their own volition in reflection of their true intentions. The undertakings in the Consent Terms are accepted as undertakings to the Court.

7. Affidavits in lieu of examination-in-chief are tendered. These are taken and record. In these, both parties confirmed the correctness of the averments in the Plaint.

8. I will excuse the physical presence of the 2nd Plaintiff since he is in Bahrain and since he has joined this hearing online.

9. There is no impediment to the grant of reliefs.
10. Accordingly the Suit is decreed in terms of prayer clauses (a) and (b). The marriage of the parties is dissolved by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act 1936. There will also be a decree in terms of the Consent Terms dated 18th February 2021, annexed at Exhibit “B” to the Plaint.
11. A drawn up decree/order is dispensed with. However, parties are at liberty to seek a drawn up decree/order if they so wish. There will be no order as to costs.
12. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)