

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 10 OF 2021**

Homiyar Viraf Sachinwalla ...Plaintiff No.1
And
Shahnaz Homiyar Sachinwalla ...Plaintiff No.2

M Sanobar Nanavati, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 5th August 2021**

PC:-

1. This is a Parsi Suit for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936.
2. The 1st Plaintiff is the husband. The 2nd Plaintiff is the wife.
3. They were married on 24th January 2019 in Mumbai in accordance with the Parsi Zoroastrian rites and ceremonies. This was the first marriage for the 1st Plaintiff. The 2nd Plaintiff was married earlier. Her previous marriage had been dissolved and she was a divorcee.
4. The Plaintiffs have no children.

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5. After marriage, the Plaintiffs lived together as spouses at the residence of the 2nd Plaintiff.

6. There was an arranged marriage. It seems that from June 2019 differences and disputes arose between them. They drifted apart. They were unable to resolve these differences. Even the intervention of friends and family did not help. Since February 2020, the Plaintiffs have not cohabited. The 1st Plaintiff husband left the matrimonial home on 15th February 2020. He went to live with his parents at Andheri. Both Plaintiffs say that their marriage has irretrievably broken down.

7. The Plaintiffs have now agreed on a divorce by mutual consent. Both Plaintiffs have tendered Affidavits in lieu of examination-in-chief attesting to the correctness of the assertions and averments made in the plaint. The affidavits are taken on record.

8. The two Plaintiffs have arrived at Consent Terms. A signed copy is at Exhibit "B" to the Plaint at pages 11 and 12.

9. Those Consent Terms are in order. They are not contrary to law. I am satisfied that the parties have arrived at these Consent Terms of their own volition and in reflection of their true intentions.

10. The undertakings in the Consent Terms are accepted as undertakings to the court.

11. There is no impediment to the grant of relief.
12. The Suit is therefore decreed in terms of prayer clauses (a) and (b).
13. The marriage of the parties is dissolved by mutual consent, under Section 32-B of the Parsi Marriage and Divorce Act, 1936.
14. There will be an order and decree in the Suit in terms of the Consent Terms at Exhibit “B” to the Plaint. The Consent Terms shall form part of the Decree.
15. The Suit is disposed of in these terms. There will be no order as to costs.
16. Drawn up decree/order is dispensed with. Either of the parties is at liberty for a drawn up decree and a certified copy thereof.
17. 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)