

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PARSI SUIT NO. 13 OF 2021**

Khushnuma Percy Saiwalla	...Plaintiff No. 1
<i>And</i>	
Percy Cawas Saiwalla	...Plaintiff No. 2

Ms AS Khushrushahi, with N Almedia, i/b for Plaintiff No. 1.

**CORAM: G.S. PATEL, J.
DATED: 23rd August 2021**

PC:-

1. The Petition is for a divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act 1936.
2. The 1st Plaintiff is the wife. She is present in Court. The 2nd Plaintiff is the husband.
3. They were married on 28th June 2010 in Mumbai according to according to Parsi Zoroastrian rites and ceremonies . This was the first marriage for both.
4. The parties have no children from this marriage.

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5. After marriage, the parties co-habited at the 1st Plaintiff's maternal home from July 2010 to December 2011. From January 2012, the Plaintiffs moved to 2nd Plaintiff's house. The 1st Plaintiff continued to live there even after the 2nd Plaintiff got the a term work assignment in Australia in February 2015. The 1st Plaintiff moved to Australia in January 2017.

6. Serious differences arose between the parties after the 1st Plaintiff moved to Australia. On 5th December 2017, the 1st Plaintiff returned to India on account of a father's ill health. The parties' differences grew sharper. They were unable to resolve these differences despite even the intervention of friends and families.

7. The Plaintiffs have been living separately and have severed all matrimonial ties from 5th December 2017, i.e. for more than a year prior to the filing of the Suit.

8. The parties have now agreed to take a divorce by mutual consent. They have drawn Consent Terms which are annexed at Exhibit 'B'. These are in order and they are not contrary to law. I am satisfied that they have been drawn by the parties of their own volition in reflection of their true intentions.

9. There is no fraud, force or coercion.

10. Both sides parties have filed their Evidence Affidavit. These are taken on record. In the Evidence Affidavit Plaintiffs reaffirm the contents of the Petition.

11. There is no impediment to the grant of relief. The Suit is decreed in terms of the prayer clauses (a) and (b). It is clarified that the marriage of the parties is dissolved by mutual consent under Section 32B of the Parsi Marriage and Divorce Act 1936. There will also be a decree in terms of Consent Terms at Exhibit 'B' to the Plaintiff.

12. The drawn up decree is dispensed with. However, the parties are at liberty to apply for a drawn up decree/ order if required.

13. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)