

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PARSI SUIT NO. 20 OF 2021

Firoza Fredoon Kapadia ... Plaintiff No.1
and
Fredoon Rohinton Kapadia ... Plaintiff No.2.

Ms. Mrinalini Deshmukh a/w. Mr. Declan Fernandes i/b. Purazar Fouzdar for
Plaintiff Nos. 1 and 2.

CORAM : A. K. MENON, J.

DATED : 26th NOVEMBER, 2021

P.C. :

1. Called for final hearing. This Suit is filed under under section 32B of the Parsi Marriages & Divorce Act, 1936. Plaintiffs are both present in Court. The marriage was solemnized on 11th March, 2011 as evident from the Certificate of Marriage Sr. No. 78/2011 annexed to the plaint. Parties have been living separately since March, 2019 and have expressed their inability to continue to live together as husband and wife since their marriage has irretrievably broken down. They have executed consent terms original of which appears at Exhibit C.

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2. I have heard Ms. Deshmukh for the plaintiffs and perused the Consent terms signed by both both plaintiffs. There is a six year old child from the marriage. The plaintiff have provided for the child and undertaken to ensure the Welfare of the child as incorporated in the consent terms. The plaintiffs have also tendered affidavits of undertaking separately by each plaintiff and they have confirmed that they would abide by the consent terms. In view thereof and upon consent of the plaintiffs I pass the following order :

- (i) Suit is decreed in terms of prayer clause (a) and (b) and in terms of the consent terms forming part of the plaint.
- (ii) Marriage between the plaintiffs solemnized on 11th March, 2011 is hereby dissolved.
- (iii) Suit is disposed in the above terms.

(A. K. MENON, J.)