

IN THE PARSİ CHİEF MATRİMONİAL COURT AT BOMBAY
PARSİ SUIT NO.4 OF 2023

Pouruchisty Bhagwagar ... Plaintiff No.1

And

Shahzad Bhagwagar ... Plaintiff No.2

Ms. Veena Gowda a/w Ms. Arati Ranade for Plaintiff Nos.1 and 2.

Ms. Pouruchisty Bhagwagar, Plaintiff No.1 is present through VC.

Mr. Shahzad Bhagwagar, Plaintiff No.2 in person present.

CORAM : ARIF S. DOCTOR, J.

DATE , 24TH MARCH 2023

P.C. :

1. The present Parsi Suit has been filed under Section 32B of the Parsi Marriage & Divorce Act, 1936 ("the PMD Act") for a decree of divorce by mutual consent.

2. The Plaint sets out that Plaintiff Nos.1 and 2 are both Parsi Zoroastrian and domiciled in State of Maharashtra. The Plaintiffs got married on 14/03/1999 in accordance with the Parsi Zoroastrian rites and customs. The Plaintiffs have two sons from the marriage, who are presently 15 and 13 years old. Thereafter, irreconcilable disputes and differences arose between the parties on account of there being temperamental differences. The parties have

coexisted as husband and wife. But due to their incompatibility, they have been physically separated since 27/12/2015 and there has been no cohabitation between them as 'husband and wife' for more than one year. Despite, innumerable efforts taken by them as well as their families and friends to resolve their marital disputes and differences, the same have proved futile. It is thus that the parties have filed the present Suit for a decree of divorce by mutual consent.

3. The parties have also entered into Consent Terms which are annexed to the Complaint, whereby both parties have confirmed that they have no claims against each other or their properties for the present, past and/or future other than those mentioned in the Consent Terms.

4. Plaintiff No.2 is present in Court and he is identified by his Advocate. He has been administered oath. He tendered his Affidavit of Evidence in which he confirms that what is stated in the Complaint is true and correct and that the Consent Terms have been entered into freely and voluntarily by which parties put to an end into their disputes and differences. Plaintiff No.1 is present through Video Conferencing. She is also identified by her Advocate. She has been administered oath. She tendered her Affidavit of Evidence through her Advocate. She similarly confirms the correctness of what has been stated in the

Plaint and confirms that the Consent Terms have been entered into freely, voluntarily and full of knowledge.

5. In view of this, I find that the requirements of Section 32B of the PMD Act are made out. Therefore, there is no impediment in granting the decree of divorce by mutual consent, as prayed for. The Parsi Suit is therefore allowed in terms of prayer clauses (a) and (b), which read thus :-

“a) that this Hon’ble Court be pleased to dissolve the marriage between the Plaintiffs solemnized on 14th March 1999 by a decree of divorce by mutual consent under Section 32B of the Parsi Marriage and Divorce Act, 1936;

*b) that the Consent Terms annexed hereto and marked **Exhibit “B”** to the Plaint be made absolute and to form part of the decree;”*

6. The undertakings, if any, in the Consent Terms are accepted as undertakings given to this Court.

7. With this order, the Parsi Suit is disposed of.

8. The Registry to draw up a decree of divorce by mutual consent and the same be made available to the Plaintiffs within a period of four weeks from today. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)