

IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

**PARSI SUIT NO.3 OF 2025
WITH
INTERIM APPLICATION (L) NO.27420 OF 2025**

Dilshad Khambata	]	
Parsi Zoroastrian, Indian Inhabitant	]	
of Mumbai, Aged: 48 Years,	]	
Occupation: Consultant,	]	
Permanent Address: 102A Meher	]	
Apartments, Anstey Lane, Altamount	]	
Road, Mumbai 400 026	]	...Plaintiff
V/s.		
Farrokh Aspi Khambata	]	
Parsi Zoroastrian, Indian Inhabitant	]	
of Mumbai, Aged: 55 Years,	]	
Occupation: Business	]	
Permanent Address: Ness Baug,	]	
Annex 2, Flat No.3, 2 nd Floor, Nana	]	
Chowk, Mumbai 400 007.	]	...Defendant

Ms. Firoza Daruwala a/w. Adv. Manvee Chararia, Adv. Nerissa Almeida for the Plaintiff.

Ex-parte against Defendant

**CORAM : KAMAL KHATA, J.
RESERVED ON : 26th November, 2025.
PRONOUNCED ON : 17th December 2025.**

Judgment :

1) By the present suit, the plaintiff-wife seeks a decree of divorce on the grounds of cruelty and desertion for a continuous period of more than two years.

Brief facts:

- 2) The suit concerns a couple as popularly referred to in the press as the 'golden couple of Mumbai's food scene,' credited with pioneering elegant, high-energy dining spaces and hosting some of the city's most glamorous evenings.
- 3) The Plaintiff and Defendant were married on 18th October 1997 according to the Parsi Zoroastrian rights and customs at the Colaba Agiary, in accordance with the Parsi Marriage and Divorce Act, 1936. The marriage was duly registered before the Registrar of Parsi marriages, Mumbai on 20 October 1997, as evidenced by the original marriage certificate.
- 4) One child named Hushaan was born out of the marriage on 8th February 2001, he was aged about 24 years at the time of filing of the Suit.
- 5) Despite repeated attempts, the Defendant-husband could not be served as the Defendant-husband had shifted to Philippines. Consequently, the suit proceeded *ex parte* by order dated 30th September 2025.
- 6) The Plaintiff was directed to file her Affidavit in lieu of examination-in-chief along with a compilation of documents she relied upon and the matter proceeded for final hearing on 26th November 2025.

Plaintiff's submissions:

7) Ms. Daruwala submits that the Plaintiff has approached this Court as a last resort, all attempts to bring about an amicable resolution in the past having failed.

8) She submits that the marriage between the parties was a love-cum-arranged marriage. The Defendant, a hotel-management diploma holder engaged in catering business, proposed to the Plaintiff within two months of meeting her, and they were engaged on 26th January 1997. The Plaintiff has been a homemaker throughout.

9) She submits that Defendant has consistently subjected the Plaintiff to cruelty, causing grave mental trauma and emotional anguish, particulars of which are detailed in the Plaintiff's affidavit of evidence and supported by documentary proof. It is further submitted that the Defendant has been residing in a separate bedroom since 19th June 2014, and the parties have not shared marital relations since 2015.

10) She further submits that the Defendant deserted the Plaintiff since 16th August 2022, when he moved to Philippines without her knowledge, consent, or any reasonable cause. The Defendant is alleged to be in an inappropriate relationship with one Joesphine Punjabi. The Defendant has adopted from Manila, Philippines, Yve a girl-child as his own child, abandoning their

natural-born son. The Defendant has allegedly provided emotional and financial support exclusively to Josephine and Yve while neglecting the Plaintiff and their son, thereby failing in his duties as a husband and father.

11) She further states that in or around July 2024, the Defendant absconded to the Philippines with Josephine and Yve after committing a large-scale fraud upon nearly ten banks and financial institutions aggregating to approximately ₹2.68 crores, by forging the Plaintiff's signatures on various loan documents, thereby intending to leave her indebted. Criminal investigations are underway based on complaints filed by the Plaintiff. The Defendant is also alleged to have misappropriated his 90-year-old father's life savings of ₹2.75 crores, resulting in the lodging of additional police complaints.

12) She submits that the Defendant has availed of a retirement scheme in the Philippines and is presently living a life of luxury with Josephine and Yve. Since 2024, he has also blocked the Plaintiff and their son on all communication channels, rendering contact impossible.

13) She further submits that the Plaintiff has deposed that she has exhausted her entire life savings towards funding Hushaan's education and repairing the matrimonial home after a fire. She is

presently embroiled in litigation with banks and financial institutions in Bengaluru and Kolkata, solely due to the Defendant's fraudulent conduct. In these circumstances, she seeks permanent alimony of ₹3,50,00,000/-.

Reasons & Conclusions:

14) In the present case, the Plaintiff has clearly established the grounds of cruelty as well as desertion, and the requisite statutory ingredients, namely (1) the factum of separation; (2) animus deserendi; (3) absence of his or her consent; and (4) absence of his or her conduct giving reasonable cause to the deserting spouse to leave the matrimonial home as set out in the Judgment of the Hon'ble Supreme Court in the case of *Lachman Utamchand Kirpalani vs. Meena alias Mota*¹ stand fulfilled. Her claim for permanent alimony of ₹3,50,00,000/- is also justified, keeping in view the Plaintiff's present financial circumstances as more particularly set out in affidavit of evidence and the guidelines governing such relief set out in the Judgment of the Hon'ble Supreme Court in the case of *Rajnish vs. Neha & Ors.*²

15) It is settled law that marriage may be dissolved by a decree of divorce, inter alia, where the other party has, after solemnisation of the marriage, treated the petitioner with cruelty.

1 AIR 1964 SC 40

2 AIR 2021 SC 569

16) In my view, a marital relationship that has progressively deteriorated into bitterness serves only to inflict cruelty on both sides. Compelling the parties to maintain the façade of such a broken marriage would amount to injustice. Desertion, for the purpose of divorce, involves the intentional, permanent forsaking and abandonment of one spouse by the other without consent and without reasonable cause. It is a complete repudiation of marital obligations—*not merely a withdrawal from a place, but from a state of things*. Desertion is a continuing course of conduct to be assessed on the facts and circumstances of each case.

17) In view of the unrebutted evidence as set out in the Plaintiff's affidavit in lieu of examination in chief, I am satisfied that the Defendant has treated the Plaintiff with cruelty and has, without cause, deserted her. It would therefore be unjust to require the Plaintiff to continue in this marriage. Accordingly, the suit is liable to be allowed.

18) Pending Interim Applications, if any, also stand disposed of.

:: ORDER ::

- I. The marriage between the Plaintiff and the Defendant solemnized on 18th October 1997 is dissolved under Section 32 (dd) and Section 32 (g) of the Parsi Marriage and Divorce Act, 1936.

- II. The Defendant is hereby ordered to pay the Plaintiff a sum of ₹3,50,00,000/- (Three crore fifty lakhs only) as permanent alimony under section 40 of the Parsi Marriage and Divorce Act, 1936.
- III. Decree be drawn up accordingly.
- IV. No order as to costs.

(KAMAL KHATA, J.)