

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3689 OF 2022

Nayan Sambhaji Mohite

..Petitioner

Versus

Shri. Jagannath Rajaram Mohite and Anr.

..Respondents

Ms. Ujwala Sawant, for the Petitioner.

Ms. Sharmila U. Deshmukh, for the Respondent No.1.

Mr. Prabhanjan Gujar, for the Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 18th APRIL, 2022

PC.

1. Counsel for the petitioner on instructions accepts the offer made by the respondent No.2 of making available rent amount of Rs.3,000/- per month.

2. In view of above, petition stands disposed of with following order :-

- a) The respondent No.2/husband shall deposit initially an amount of Rs.6,000/- in the pending suit within a period of two weeks from today.
- b) He shall continue to deposit an amount of Rs.3,000/- in the said pending suit before 5th of each English calendar month.

- c) The petitioner shall be entitled to withdraw an amount of Rs.3,000/- once such deposit is made subject to final outcome of the suit.
 - d) The statement made by Mr. Gujar on instructions from respondent No.2 that such amount of rent shall be deposited is accepted as an undertaking to this Court. He is permitted to file affidavit to that effect during the course of the day. If affidavit, so tendered, the Registry to accept the same.
3. Counsel for the petitioner on instructions submits that in any case, by 25th April, 2022, petitioner shall surrender possession of the suit premises to the plaintiff by filing pursis to that effect in the pending suit.

[NITIN W. SAMBRE, J.]