

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2791 OF 2023.

Balika Milind Thakare

...Petitioner.

Versus

Milind Sitaram Thakare and Ors.

...Respondents.

*Mr. Pratik Sabrad a/w. Mr. Sarvesh Deshpande for the Petitioner.
Mr. Sachin Kadam for the Respondent.
Ms. Shilpa Gajare, APP for Respondent-State.*

Coram : Sharmila U. Deshmukh, J.

Date : May 3, 2024.

P. C. :

1. By this petition the challenge was to the judgment dated 23rd October 2021 passed by the Appellate Court modifying the order of the Trial Court dated 30th April 2016 directing the opponent Nos.1 to 5 to pay Rs.4,000/- towards rent to the Applicant.
2. By the impugned order, the order of the Judicial Magistrate First Class awarding rent was set aside and the opponents were restrained from evicting the Applicant from the shared household standing in the name of mother-in-law.

3. During the hearing of the proceedings upon instructions of the parties, this Court was informed that the Petitioner is willing to vacate the shared household situated at Saraswati Nagar, Scheme No.2, Plot No.10, situated at Mauje Takli, Vinchur Shivar, Taluka Niphad, District Nashik standing in name of her mother-in-law in lieu of monthly rent of Rs.4,000/- to be paid by the opponent Nos.1 to 5 to the Petitioner.

4. Pursuant thereto undertaking of the Petitioner is tendered by the learned counsel appearing for the Petitioner undertaking that by 24th July 2024 the Petitioner along with her son Soham will vacate the house and accordingly accept the monthly rent of Rs.4,000/- from her husband i.e Respondent No.1. The said undertaking has been notarized before Advocate and Notary at District Nashik. Learned counsel appearing for the Petitioner identifies the signature of the Petitioner on the said undertaking.

5. As the undertaking given by the Petitioner-wife is to vacate the house upon payment of monthly rent of Rs. 4000/-, let an undertaking be filed by Respondent Nos.1 to 5 undertaking that monthly rent of Rs.4,000/- will be paid by them to the Petitioner till the order is modified in the appropriate forum. Undertaking to be filed within a period of one week from today.

6. The statements in the undertakings given by the Petitioner as well as statements in the undertakings to be filed by Respondent Nos.1 to 5 are accepted. In view of the undertakings filed, order dated 23rd October 2021 is quashed and set aside and the order of Trial Court dated 30th April 2016 stands revived.

7. Writ petition is disposed of in the above terms.

[Sharmila U. Deshmukh, J.]