

SWAROOP
SHARAD
PHADKE

Ms. Iyanesh Parbhoo, for Petitioner.

DATE : 10 MARCH 2026

1. Heard the learned Counsel for the Petitioner.

3. Learned Civil Judge was persuaded to grant conditional leave as the Defendant has acknowledged liability to pay the said amount vide email dated 28 February 2022.

4. Perused the said email, a copy of which is annexed at pages 58-59 of the compilation. In the said email, the Defendant has stated 'as we are not able to clear all outstanding of INR 39.13 L at once, we like to request you to allow us to pay INR 3 L per month.....'

 $1/2$

second proviso to Rule 3(5) of Order XXXVII of the Code, the learned Civil Judge was justified in granting conditional leave upon deposit of the said admitted amount. (**IDBI Trusteeship Services Ltd. V/s. Hubtown Ltd.**¹).

6. Thus, no fault can be found with the impugned order.
7. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)

1 (2017) 1 SCC 568