

**Preliminary decree on mortgage, Mortgagor in possession.**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No.                      OF 19

CORAM :

DATE :

..... PLAINTIFF.

versus

..... DEFENDANT.

The Plaintiff claims to recover from the defendant the sum of Rs. ....  
 (here insert the particulars of claim) under a mortgage, dated the ..... day  
 of ..... 19 and prays that the said mortgage may be enforced by sale of the  
 property described in the Schedule "A" hereto and the suit being this day called on for  
 hearing and final disposal and upon hearing ..... Advocate for the  
 plaintiff and upon the defendant being called and not appearing and upon proof of  
 service of the writ of summons upon him and upon hearing evidence and perusing  
 exhibits, this Court doth pass judgment for the plaintiff and doth declare that there is  
 due and owing to the plaintiff on this day under the said mortgage the sum or Rs.  
 ..... for principal and the sum of Rs.  
 ..... for interest on the said principal and the sum of Rs.  
 ..... for costs, charges and expenses (other than the costs of the suit)  
 properly incurred by the plaintiff in respect of the mortgage security and the sum  
 of Rs. .... for interest on the said costs, charges  
 and expenses and the sum of Rs. .... for costs of the suit awarded  
 to the plaintiff, making in all the aggregate sum of Rs. .... And this Court doth  
 order and decree that the defendant do pay into Court on or before the  
 ..... day of ..... 19 the said sum of Rs. ....  
 And this Court doth further order that on such payment and on payment thereafter  
 before such date as the Court may fix of such amount as the Court may adjudge due  
 in respect of such subsequent costs of the suit and such subsequent costs, charges and  
 expenses as may be payable under Order 34, Rule 10 of the Code of Civil Procedure  
 together with such subsequent interest as may be payable under Rule 11 of the said  
 Order, the plaintiff do reconvey to the defendant the said mortgaged property or where  
 necessary assign the mortgage debt and transfer the mortgaged property to such third  
 person as the defendant may direct free and clear of and from all incumbrances done  
 by him the said plaintiff or by any person or persons claiming by, from or under him  
 and do deliver all deeds, documents and writings of or relating to the said property in  
 his possession, custody or control to the defendant or to whom he shall appoint And  
 this Court doth lastly order that in default of the defendant paying into Court such

sums, as aforesaid by the time aforementioned, the plaintiff be entitled to apply for a final decree for sale of the said property.

Witness ..... Chief Justice at Bombay aforesaid, this ..... day of ..... 19 .

By the Court,  
Prothonotary and Senior Master.

Sealer

The ..... day of ..... 19 .

Preliminary Decree drawn on the application of Advocate for Plaintiff  
Schedule "A"