Form No. 35

Preliminary decree on mortgage by deposit of title deeds.

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 or charge created by a deposit of title-deeds of the property belonging to the defendant and described in the schedule "A" hereto and prays that the said mortgage or charge may be enforced by sale of the said property 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 by virtue of the deposit made on the ..... day of .....19 by the defendant with the plaintiff of the title-deeds of the property described in the schedule "A" hereto the plaintiff is entitled to a mortgage or charge on the defendants said property And this Court doth further declare that there is due and owing to the plaintiff on this day on the security of the said mortgage or charge the sum of 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 at 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 deliver up all deeds, documents and writing of or relating to the said property in his possession, custody or control to the said defendant or to whom he shall appoint free and clear of and from all encumbrances done by him the

said plaintiff or by any person or persons claiming by, from or under him 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 at liberty to apply for a final decree for sale of the said property.

By the Court,

Prothonotary and Senior Master.

Sealer

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

Preliminary Decree drawn on the application of Advocate for .....

Schedule "A"