

Final decree in suit for sale.

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

SUIT NO. OF 19

CORAM :

DATE:

..... PLAINTIFF.

versus

..... DEFENDANT.

Upon reading the Notice of Motion herein dated the day of 19 and the affidavits mentioned in the list "A" hereto and the preliminary mortgage decree herein dated the day of 19 and the certificate of the Prothonotary and Senior Master dated the day of 19 certifying that no money has been paid into Court as directed by the said preliminary decree and upon hearing Advocate for the plaintiff and upon the defendant being called and not appearing And upon proof of service of the Notice of Motion upon him this Court doth order and decree that the mortgaged property described in the list "B" hereto be sold by the Commissioner for Taking Accounts by public auction and this Court doth further order that the plaintiff be at liberty to bid at such sale and that in the event of his becoming the purchaser of the said property he be at liberty to set off the amount of the purchase money against the amount due to him under the aforesaid decree And this Court doth further order that the net proceeds of such sale or so much thereof as may be sufficient be duly applied in payment of the amount payable to the plaintiff under the said preliminary mortgage decree and under any further orders that may have been passed in this suit and in payment of any amount which the Court may have adjudged due to the plaintiff for costs of the suit, including the costs of this Notice of Motion, and such 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 and this Court doth further order that the balance, if any, be paid to the defendant or other persons entitled to receive the same And this Court doth further order that in the event of a deficiency the plaintiff be at liberty (where such remedy is open to him under the terms of his mortgage and is not barred by any law for the time being in force) to apply for a personal decree against the defendant for the balance remaining due and this Court doth order that the costs of he said Notice of Motion and of this decree namely Rs. be added to the amount of the mortgage claim And this Court doth lastly order that the parties shall be at liberty to apply to the Court; from time to time as there may be occasion.

Witness, Chief Justice at

Bombay aforesaid this day of 19 .

By the Court,
Prothonotary and Senior Master.

Sealer

The day of 19 .

Decree drawn on the application of

Advocate for

LIST 'A'

LIST 'B'