**Appendix D - Preliminary Decree for Foreclosure - (Order XXXIVVV, Rule 2) (Where the Court Declares The Amount Due.)**

**(Title)**

1.             This suit coming on this...........................day, etc.; It is hereby declared that the amount due to the plaintiff on his mortgage mentioned in the plaint calculated up to this................................ day of.................is the sum of Rs..........................for principal, 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, together with interest thereon, and the sum of Rs.........for the costs of this suit awarded to the plaintiff, making in all the sum of Rs..

2.             And it is hereby ordered and decreed as follows: -

                                          i.    that the defendant do pay into Court on or before the........day of..............................................or any later date up to which time for payment may be extended by the Court of the said sum of Rs.

                                         ii.    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 costs of the suit and such costs, charges and expenses as may be payable under rule 10, together with such subsequent interest as may be payable under rule 11, of order XXXIV of the First Schedule to the Code of Civil Procedure, 1908, the plaintiff shall bring into Court all documents in his possession or power relating to the mortgaged property in the plaint mentioned, and all such documents hall be delivered over to the defendant, or to such person as he appoints, and the plaintiff shall, if so required, re-convey or re-transfer the said property free from the said mortgage and clear of and free from all in cumbrances created by the plaintiff or any person claiming under him or any person under whom he claims and free from all liability whatsoever arising from the mortgage or this suit and shall, if so required, deliver up to the defendant quiet and peaceable possession of the said property.

3.             And it is hereby further ordered and declared that, in default of payment as aforesaid, the plaintiff may apply to the Court for a final decree that the defendant shall thenceforth stand absolutely debarred and foreclosed of and from all right to redeem the mortgaged property described in the Schedule annexed hereto and shall, if so required, deliver up to the plaintiff quiet and peaceable liberty to apply to the Court from time to time as they may have occasion, and on such application or otherwise the Court may give such directions as it thinks fit.