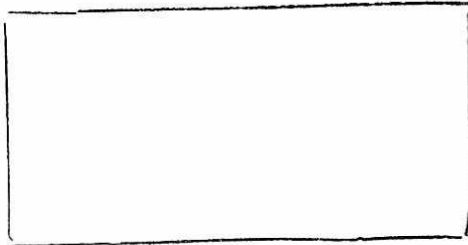


FORM NO. (M) 41.



IN THE _____ COURT OF _____ AT.....
RECORD ROOM (disposed of on.....by the court of..).

Application for ordinary inspection of record.
urgent

Description of case.	Number.	Year.	Name of the pleader who will inspect the record.

The.....19 .

Signature of Pleader.
Vakil.
Advocate.

FORM NO. (M) 42.

G. L. 3/30.

IN THE _____ COURT
 OF THE
 RECORD ROOM

AT

Application for the return of documents.

1. Name of the Court to which the record containing the document appertains.
2. Nature, number and year of the suit, case or appeal in which the document was filed.
3. Date of disposal of the original suit or case and of the appeal, if any.
4. Name of the party or person on whose behalf the document was filed.
5. Name of the applicant and the capacity in which he makes the application.
6. Particulars of the documents.

Date.....

Signature of the applicant.

Serial number of the application in the Record-keeper's Register.

Return if no objection.

Judge's Order—

Signature of the Judge with date.

Date of return

Record-keeper's signature.....

Received the documents specified in column 6.

Signature of the applicant with date.

Details of defects, if any, in the application.

Let the application be returned to the applicant for removal of the defects.

Signature of the Reporting Officer with date.

Signature of the Judge with date.

APPENDIX B
**SAMPLE FORMS OF DECREES IN PARTITION AND OTHER SUITS
NOT INCLUDED IN THE APPENDICES TO THE CODE OF CIVIL
PROCEDURE.**

NOTE.—In this appendix have been set out a few sample forms of decree of a class not infrequently required in the Subordinate Courts but which have not been included either in the Appendices to the Code of Civil Procedure or among the Forms in Appendix A. It should, however, be clearly understood that the Forms in this Appendix are inserted here for guidance only, that they do not purport to be in any way exhaustive, but merely represent the lines upon which a decree of the class indicated may suitably be modelled. They will not be printed for circulation, and if use is made of them, care must be taken to see that they are adapted to the exact requirements of the particular case in hand.

I.

Final decree upon payment by the defendant.

(Supplementary to the form of Preliminary Decree given in Form 4,
Appendix D, C. C. P.)

District _____

IN THE COURT OF

AT

SUIT No.

OF

Plaintiff

versus

Defendant.

Claim for

This suit coming on this day for final disposal before
presence of

in the

for the plaintiff and that on the _____ day of _____ for the defendant. And it appearing the defendant paid into Court the sum of Rs. _____ the _____ of the preliminary decree herein dated the _____ in pursuance _____ day of _____ and that the plaintiff has not as yet delivered up to the defendant all the documents of title in his possession or power relating to the mortgaged property. It is decreed as follows :—

1. That the plaintiff do deliver the said documents to the defendant and do, if so required, retransfer the said property* to the defendant free from the mortgage and from all encumbrances created by the plaintiff or any person claiming under him. [Where the plaintiff claims by derived title, add, *or by those under whom he claims.*]

2. (*When the mortgagee is in possession.*)—That the plaintiff do forthwith put the defendant in possession of the property* in the schedule hereto annexed.
 *The property must be so described in the decree that it can be readily identified and where the property can be identified by boundaries or by numbers in a record of settlement or Survey the decree shall specify such boundaries or numbers (O.XX, R.9, C.C.P.)

3. That thereupon the sum of Rs. _____ Court to the Plaintiff.

be paid out of _____

SCHEDULE OF PROPERTY.

Judge.

II-A.

Final decree in Redemption suit (where the mortgage is not simple or usufructuary, and where the plaintiff fails to pay the amount declared in the preliminary decree to be due by him.)

(Supplementary to the form of preliminary decree given in Form 5, Appendix D, C. C. P., Order XXXIV, Rule 7.)

DISTRICT _____

IN THE COURT OF AT

SUIT No. OF

Plaintiff

versus

Defendant.

Claim for

This suit coming on this day before
in the presence of _____ for the plaintiff and
_____ for defendant :—And it appearing—that the plaintiff has made
default in payment of the amount specified in the preliminary decree herein
dated the day of _____, to wit
Rs. _____

(1)

and the defendant by his pleader applying to be put in possession of the mortgaged property ; it is hereby decreed that the plaintiff and all persons claiming through or under him be debarred
See in this connection O. XX, from all right to redeem the said property,
R. 9, C. C. P. as specified in the schedule hereto annexed,
and that the plaintiff do forthwith put the defendant in possession of the same

or

(2)

(when the mortgage is not by conditional sale)

and the defendant by his Pleader applying that the mortgaged property (or a sufficient part thereof, as the case may be) be sold; it is hereby decreed that the mortgaged property,* specified in the schedule hereunto annexed be sold and that the proceeds of the sale (after defraying thereout the expenses of the same) be paid into this Court and applied in payment of Rs.....due to the defendant, and that the balance, if any, be paid to†

SCHEDULE.

Judge.

*See in this connection O. XX, R. 9, C. C. P.

†Either the Plaintiff or such other person or persons as the Court may hold to be entitled to the same [O. XXXIV, Rule 8(4).]

II-B.

Final Decree in Redemption suit where the Plaintiff pays into Court the amount declared in the preliminary decree to be due by him.

(Supplementary to the form of preliminary decree given in Form 5, Appendix D, C. C. P., Order XXXIV, R. 7.)

DISTRICT

IN THE COURT OF

AT

SUIT NO.

OF

19 .

Plaintiff

versus

Defendant.

Claim for

This suit coming on this day before
in the presence of

for the plaintiff and
for the defendant, and it appearing
the plaintiff paid

that on the day of

into Court the sum of Rs. _____ in pursuance of the preliminary decree
 herein dated the _____ day of _____ and that the defendant has not as yet
 delivered up to the plaintiff all the documents of title in his possession and
 power relating to the mortgaged property; it is hereby decreed that the defen-
 dant do, forthwith deliver up to the plaintiff the documents which, under the
 terms of the said preliminary decree, he is bound to deliver up, and that the
 defendant do, if so required, re transfer to the plaintiff as directed in the said
 preliminary decree, the mortgaged* property set out in the schedule hereto
 annexed, and † do put the plaintiff in possession of the said property.

SCHEDULE.

Judge.

III

Preliminary decree for Partition.

DISTRICT

IN THE COURT OF

AT

SUIT No. _____

OF 19 _____ .

Plaintiff

versus

Defendant.

Claim for

This suit coming on this _____
 in the presence of _____

day for disposal before _____

It is declared that the plaintiff is entitled to †
 of the (movable and) immovable property specified in the schedule hereunto
 annexed and that the defendant is entitled to †† _____ part (or share)

* See in this connection O. XX, B. 9 C. C. P.

† If necessary.

‡ Here state plaintiff's share.

†† Here state defendant's share.

And it is hereby decreed that a partition be made of the aforementioned (movable and) immovable property, and it is ordered that a* Commission do issue directed to a Commissioner to be therein named, to make a partition or separation of the same according to the rights of the parties, as hereinbefore declared, and that, as regards the immovable property, he do make the same by metes and bounds and award sums to be paid for the purpose of equalizing the shares, where he shall see occasion.

†And the further hearing of this case is adjourned and the parties are to be at liberty to apply to this Court from time to time as they may be advised.

Dated this _____ day of _____ in the year one thousand nine hundred and _____

SCHEDULE.

Judge.

IV

Final decree in partition suit.

DISTRICT

IN THE COURT OF _____ AT _____

SUIT No. _____ OF 19 _____

Plaintiff

versus

Defendant.

Claim for

This suit coming on _____ this day for final disposal before _____ in the presence of _____ This Court doth order that the report prepared and signed by the _____

*For form of Commission to make a partition, see App. H., C. C. P., no. 10, reproduced as Form no. (J) 29, page 189, ante.

†If the Court considers that there should be an order for cost at this stage, insert provision here.