

FORM NO.70

(Rule-274 - Proclamation of sale of immovable property)

IN THE COURT OF THE _____

E.P.NO. OF 20
in
NO. OF 20

Between:-

_____Decree-Holder

And

_____Judgement-Debtor

PROCLAMATION OF SALE

Whereas by a decree made in the above suit, and dated the _____ day of _____ 20____; the above named defendant was ordered to pay to the above named plaintiff the sum of Rs. _____ and Rs. _____ for costs of suit, making in all the sum of Rs. _____ together with interest thereon at rate of Rs. _____ percent per annum from the said day until realization, and by an order for sale, dated the _____ day of _____ immovable property described in the schedule hereto was ordered to be sold by me in satisfaction of the said decree. And whereas on the _____ day of _____ 20____ (date fixed for sale) there will be due there under the sum of Rs. _____ for principal and interest

[And whereas by an order made in the above suit, and dated the _____ day of _____ 20____ it was directed that the sale of the said property (or of lot No. _____) should be made subject to the rights of _____ (address & description) who claim under mortgage, dated the _____ day of _____ 20____ executed in favour of the said _____ by _____ to secure the payment of a sum of Rs. _____ with interest thereon at the rate of Rs. _____ percent per annum; and, registered etc., to be entitled to payment of a sum of Rs. _____ with interest thereon from the _____ day of _____ 20____]

And whereas it is represented by the decree-holder that he caused to be made in the Office of the Registrar of Assurances _____ from the _____ day _____ to the _____ day of _____ and that the documents registered in respect of the several lots opposite to which the same are set and that the said lots are severally subject to the payments and claims set opposite thereto respectively in the fifth column of the same schedule [and to the leases and agreements specified in the seventh column]. I hereby notify that I shall sell the said property by public auction at _____ (at the several lots), subject to the conditions of sale hereunder, in the lots, and the times in the same schedule specified copies of this proclamation may be had gratis of _____

Contd..2nd

CONDITIONS OF SALE

1. The conditions prescribed by the Code of Civil Procedure shall apply to the sale.
2. The highest bidder of each (lot) shall be the purchaser, and if any dispute arises as to any bidding, the lots shall be put up again. The decree-holder shall (or shall not) be at liberty to bid. No person shall advance a less sum at each bidding than shall be named by auctioneer on putting-up the lot and no bidding shall be retracted.
3. Each purchaser shall immediately after the sale to him pay to the auctioneer 25 percent of the purchase money and shall pay the residue of the purchase money to the auctioneer before _____p.m., on or before the fifteenth day after sale to him.
4. The property (or lot No._____) is sold subject to the mortgagee dated the_____day of_____above referred to, and to all claims and rights of the said_____thereunder.
5. The property is believed and shall be taken to be correctly described as to quantity and otherwise, and any omission or misstatement in this proclamation shall not annul the sale, or be a ground for any compensation on either side.
6. Such of the documents of title in the possession of the decree-holder (or now in Court) as relate exclusively to any lot will be delivered to the purchaser of such lot. All other documents which relate exclusively to the property sold will be delivered to the purchaser of lot No._____, or such other person as the Court may determine.
7. The Certificate of the Registrar of Assurances of the result of the above search, a copy of the decree under which the property is sold and copies of the leases and agreements referred to in column 7 of the schedule hereto, may be inspected at the said Court on any day before the sale during office hours or at the Office _____ of _____ the _____ auctioneer _____ at _____ (address) on any day before the sale between the hours of _____and _____p.m., and whether the purchaser shall have inspected the same or not, he shall be considered, by bidding at sale to have waived all objections appearing on the face thereof.
8. The further hearing of the above suit adjourned to the day of such day of _____when the sale of will come before the court for confirmation. On such day any purchaser may make any objection to the sale of which he shall have given not less than five days previous notice in writing to the parties to the suit. Any objection not so made shall be considered, as waived, and if no objection be so made, the title shall be considered, as accepted, and the sale as valid in all respects, and in this respect time shall be deemed to be the essence of the contract.

Contd...3rd

SCHEDULE

Day and hour of sale	Number of lot	Description of property	Revenue or rent Assessed on land Local Taxes and rates payable thereon			Documents Found registered		Remarks
			Interest of the Judgement debtor	Amount now due	Annual	Date and reference to register	Short description of the document	

NOTE:- The tile deed relating to the property have not been filed in court and the purchaser will take property subject to the risk of there being mortgages by deposit of tile deed or mortgagees not encumbrance certificate.

Given under my hand and the seal of the Court, this _____ day of _____
20

JUDGE