**Security bond to be given on order being made to stay execution of decree (Order XL, Rule 5)**

To,

This security bond on stay of execution of decree executed by witnesseth:

That ……….………………………., the plaintiff in Suit No. …………….of 20…… having sued ……………..………… the defendant in this Court and a decree having been passed on the ………........ day of …………… 20…….. in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the ………………….. Court, the said appeal is still pending.

Now the plaintiff decree-holder having applied to execute the decree, the defendant has made an application praying for stay of execution and has been called upon to furnish security. Accordingly 1, of my own free will, stand security to the extent of Rs. ……………… mortgaging the properties specified in the schedule hereunto annexed, and convenient that if the decree of the first Court be confirmed or varied by the Appellate Court the said defendant shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realised from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this ……………… day of ………………… 20 …….

SCHEDULE

*(Signed)*

Witnessed by:

1. …………………………….

2. …………………………….

**HIGH COURT AMENDMENTS**

**Andhra Pradesh:**

*Same as in Madras High Court.*

**Bombay:**

*In Appendix G, in Form Nos. 2 and 3, the following shall be added as a* *note :*

**Note**.- Unless appropriately altered, the printed form binds the surety only to an immediate appeal from the decree mentioned in the bond, and does not cover any obligation in respect of any further appeal.

And further, in Form No. 3 of the said Appendix C, for the opening words 'This security bond on stay of execution of decree executed by witnesseth-".

*Substitute the following :*

"This security bond, on order being made for execution of decree ......................... executed by witnesseth-".

Kerala :

*Same as by Madras High Court.*

*Madras:*

*After the words “be confirmed or varied by the Appellate* Court" in *the* *second paragraph, add the words ' or in further appeal or appeals from the* *decree of the said Court.".*

**\***