

The Registration Act, 1908

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(ACT XVI OF 1908)

18th December 1908

An Act of consolidate the Enactment relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the Registration of documents; it is hereby enacted as follows:

PART

PRELIMINARY

1. Short title and commencement- (1) This Act may be called the Registration Act, 1908.
 - (2) [It extends to the whole of India, except the State of Jammu and Kashmir:
Provided that the State Government may exclude any districts or tracts of country from its operation].
 - (3) It shall come into force on the first day of January, 1909.
2. Definitions,- In this Act, unless there is anything repugnant in the subject or context,-
 - (1) “addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and in the case of an Indian his father’s name, or where he is usually described as the son of his mother, then his mother’s name;
 - (2) “book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;
 - (3) “district and” “sub-district” respectively mean a district and sub-district formed under this Act;
 - (4) “District court” includes the High Court in its ordinary original civil jurisdiction;
 - (5) “endorsement” and “endorsed” include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act;
 - (6) “immovable property” includes land, building, hereditary allowances, right to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth but not standing timber, growing crops nor grass;
- (6-A) “India” means the territory of India excluding the State of Jammu and Kashmir;

- (7) “lease” includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease;
- (8) “minor” means a person who, according to the personal law to which he is subject, has not attained majority;
- (9) “movable property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property to every other description, except immovable property; and
- (10) “representative” includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

PART II

OF THE REGISTRATION ESTABLISHMENT

3. Inspector of Registration – (1) The State Government shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government.

Provided that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer of officers, and within such local limits, as the State Government appoints in this behalf.
- (2) Any Inspector – General may hold simultaneously any other office under the Government.
4. Repealed with effect from 1.4.0937
5. Districts and sub districts – (1) for the purpose of this Act, the State Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.
 - (2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the Official Gazette.
 - (3) Every such alteration shall take effect in such day after the date of the notification as is therein mentioned.
6. Registrars and Sub-Registrars-The State Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several Sub-districts, formed as aforesaid respectively.

7. Offices of Registrar and Sub-Registrar – (1) The State Government shall establish in every district an office to be styled the office of the Sub-Registrar or the offices of the joint Sub-Registrars.
 - (2) The State Government may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.
8. Inspectors of Registration Offices. (1) The State Government may also appoint officers, to be called Inspectors or Registration offices, and may prescribe the duties of such officers.
 - (2) Every such Inspector shall be subordinate to the Inspector General.
9. Repealed by the Repealing and Amending Act, 1927 (X of 1927).
10. Absence of Registrar or vacancy in his office (1) When any Registrar, other than the Registrar of a district including a presidency town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person appointed, his Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situated, shall be the Registrar during such absence or until the State Government fills up the vacancy.
 - (2) When the Registrar of a district including a presidency town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the State Government fills up the vacancy.
11. Absence of Registrar or duty in his district,- when any Registrar is absent from his office on duty in his district, he may appoint any sub registrar or other persons in his district to perform, during such absence, all the duties of a registrar except those mentioned in sections 68 and 72.
12. Absence of Sub-Registrar or vacant in his office when any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar appoints in this behalf shall be sub-Registrar during such absence or until the vacancy is filled up under sections 10, 11 and 12.
13. Report of certain appointments (1) All appointments made under Section 10, Section 11 or Section 12 shall be reported to the State Government by the Inspector General.

- (2) Such report shall be either special or general, as the State Government directs.
14. Establishments or registering offices (1) Omitted by A.O. 1937.
- (2) The State Government may allow proper establishments for the several offices under this Act.
15. Seal of Registering Officers The several Registrars and Sub Registrars shall use a seal bearing the following inscription in English and in such other language as the State Government directs:- “The seal of the Registra (or ther Sub Registrar) of
16. Register books an fire proof boxes (1) The State Government shall provide for the office of every Registering Officer the books necessary for the purpose of this Act.
- (2) The book so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of, the State Government and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the officer by whom such books are issued.
- (3) The State Government shall supply the office of every Registrar with a fire proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

PART III

OF REGISTERABLE DOCUMENTS

17. Documents of which registration is compulsory- (1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, (20 of 1866) or the Indian Registration Act, 1871, (7 of 1871) or the Indian Registration Act, 1877, (3 of 1877) or this Act came or comes into force, namely:-
- (a) instruments of gift of immovable property
- (b) other non-testamentary instruments which purport or operate, to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property.
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration assignments, limitation or extinction of any such right, title or interest;

(d) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent and

(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property.

Provide that the State Government may, by order published in the Official Gazette exempt from the operation of this subsection any leases executed in any district, or part of a district, the granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

(2) Nothing in clauses (b) and (c) sub-section (1) applies to-

- (i) any composition deed; or
- (ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such company consist in whole or in part of immovable property; or
- (iii) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders or such debentures; or
- (iv) any endorsement upon or transfer of any debenture issued by any such company; or
- (v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards, to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or
- (vi) any decree or order of a Court except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding; or
- (vii) any grant of immovable property by the Government, or
- (viii) any Instrument of partition made by a Revenue office; or
- (ix) [Omitted by Act 7 of 1968 (Kerala)]

(x) [Omitted with effect from 22.2.1968

(x-a) any order made under the Charitable Endowments Act 1890 (VI of 1890), vesting any property in a Treasurer of Charitable Endowments or divesting any such Treasurer of any property; or

(xi) any endowment on a mortgage deed acknowledging the payment of the whole or any part of the mortgage money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or

(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer.

Explanation.- A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.

(3) Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

18. Documents of which registration is optional-any of the following documents may be registered under this Act, namely:-

(a) instruments (other than instruments of gift and will) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;

(b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

(cc) instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purport or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees to or in immovable property;

(d) instruments (other than wills) which purport or operate to create, declare, assign limit or extinguish any right, title or interest to or in a movable property;

- (e) wills; and
 - (f) all other documents not required by section 17 to be registered
19. Documents in language not understood by Registering Officer.- If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a translation into a language commonly used in the district.¹
- 19A. Documents presented for registration to be accompanied by true copies thereof – (1) no document shall be accepted for registration unless it is accompanied by a true copy thereof.²
- (2) The true copy referred to in sub section (1) shall be neatly handwritten printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.
20. Documents containing interlineations, blanks, erasures or alterations (1) The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineations, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineations, blank, erasure or alteration.
- (2) If the Registering Officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineations, blank, erasure or alteration.
- (3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.
- (4) No non-testamentary document containing a map or plan of any property comprised there in shall be accepted for registration, unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

¹ “and also by a true copy” omitted by Act 7 of 1968 (Kerala) with effect from 22.2.1968

² Section 19A inserted by Act 7 of 1968 (Kerala) with effect from 22.2.1968.

22. Description of houses and land by reference to Government maps or surveys- (1) Where it is, in the opinion of the State Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the State Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purpose of section 21, be so described.
- (2) Save as otherwise provided by any rule made under sub-section (1) failure to comply with the provisions of section 21, sub-section (2) or sub section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

PART IV

OF THE TIME OF PRESENTATION

23. Time for presenting documents-subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

- 23A. Re-registration of certain documents:- Notwithstanding anything to the contrary contained in this Act, if in case a document requiring registration has been accepted for registration by a Registrar or sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registration being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefore under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration.

Provide that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.

24. Documents executed by several persons at different times, Where there are several persons executing a document at different times, such document may be presented for registration and re registration within four months from the date of each execution.
25. Provision where delay in presentation us unavoidable (1) if, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in India is not presented for registration till after the expiration of the time herein before prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.
- (2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.
26. Document executed out of India when a document purporting to have been executed by all or any of the parties out of India is not presented for registration till after the expiration of the time herein before prescribed in that behalf, the Registering Officer, if satisfied-
- (a) that the instrument was so executed, and
- (b) that it has been presented for registration within four months after its arrival in India, may on payment of the proper registration fee accept such document for registration.
27. Wills may be presented or deposited at any time - A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V

IF THE PLACE OF REGISTRATION

28. Place for registering documents relating to land – Save as in this part otherwise provided, every document mentioned in section 17, sub section (1), clauses (a), (b), (c), (d) and (e), section 17, sub section (2) in so far as such documents affects immovable property and section 18, clauses (a), (b), (c) and (cc) shall be presented for registration in the office of a Sub-Registrar within whose sub district the whole or some portion of the property to which such document relates is situate.

29. Place for registering other documents (1) Every document not being a document referred to in section 28, or a copy of a decree or order may be presented for registration either in the office of the sub-registrar in whose sub district the document was executed, or in the office of any other Sub-Registrar under the State Government at which all the persons executing and claiming under the documents desire the same to be registered.
- (2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the State Government at which all the persons claiming under the decree or order desire the copy to be registered.
30. Registration by Registrars in certain cases (1) Any Registrar may in his discretion receive and register any document which might be registered by any sub-registrar subordinate to him.
- (2) The Registrar of a district in which a Presidency town is included and the Registrar of the Delhi District³ may receive and register any document referred to in section 28 without regard to the situation in any part of India of the property to which the document relates.
31. Registration or acceptance for deposit at private residence in ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same of registration or deposit.
- (b) if in the case of any person appearing by a representative, assign or agent, admits the execution, or
- (c) if the person executing the document is dead, and his representative or assign appears before the Registering Officer and admits the execution, the Registering Officer shall register the document as directed in sections 58 to 61, inclusive.
- (2) The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.
- (3) (a) If any person by whom the document is intended to be executed denies its execution, or
- (b) if any such person appears to the Registering Officer to be a minor, an idiot or a lunatic, or

³ Substituted by Act 45 of 1969. Registration (Amendment) Act, 1969
-Presidency towns means Madras, Bombay, and Calcutta, 3.44, General Clause Act³

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document as to the persons so denying, appearing or dead:

Provided that, where such officer is a Register, he shall follow the procedure prescribed in Part XII;

Provided further that the State Government may by notification in the Official Gazette declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Register for the purposes of this sub-section and of Part XII;

PART VII
OF ENFORCING THE APPEARANCE OF EXECUTANTS
AND WITNESSES

36. Procedure where appearance of executant or witness is desired – if any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the Registering Officer may, in his discretion, call upon such officer or court as the State Government directs in his behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.
37. Officer or Court to issue and cause service of summons-The officer or court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.
38. Persons exempt from appearance at registration office- (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, or
- (b) a person in jail under civil or criminal process, or
 - (c) persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear.
- (2) In the case of every such person the Registering Officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. Law as to summonses, commission and witnesses.- The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts, shall, save as aforesaid and mutatis mutandis, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

40. Persons entitled to present wills and authorities to adopt.- (1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.
- (2) The donor, or after his death donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.
41. Registration of wills and authorities to adopt. – (1) A will or an authority to adopt, presented for registration by the testator or donor may be registered in the same manner as any other document.
- (2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the Registering Officer is satisfied-
- (a) that the will or authority was executed by the testator or donor as the case may be;
 - (b) that the testator or donor is dead; and
 - (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX

OF THE DEPOSIT OF WILLS

42. Deposit of wills.- Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.
43. Procedure on deposit of wills.- (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his register-book No. 5 the superscription aforesaid, and shall note in the same book and on the

PART XI

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS

(A) As to the Register Books and Indexes

51. Register books to be kept in the several offices.- (1) The following books shall be kept in the several offices hereinafter named namely:- A-in all registration offices-

Book 1. "Register of non testamentary documents relating to immovable property".

Book 2. "Record of reasons for refusal to register".

Book 3. "Register of wills and authorities to adopt" and

Book 4. "Miscellaneous Register"

B- in the offices of Register-

Book 5, "Register of deposits of wills".

[(2) "In Book I shall be filed-

(i) true copies of all documents; and

(ii) all memoranda,

registered under section 17,18 and 89 which relate to immovable property, and are not wills]"⁴

(3) In Book 4 shall be [filed true copies of all documents⁵ registered under clauses (d) and (f) of section 18 which do not relate to immovable property,

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a sub-registrar.

52. Duties of Registering Officers when document presented – (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

(b) a receipt for such document shall be given by the Registering Officer to the person presenting the same; and

⁴ Inserted by Act 7 of 1968. (Kerala)

⁵ Amended by Act 7 of 1968. (Kerala)

[“(c) subject to the provisions contained in section 62 where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission”.]⁶

(2) All such books shall be authenticate at such intervals and in such manner as is from time to time prescribed by the Inspector-General.

53. Entries to be numbered consecutively-All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

54. Current index and entries therein-In every office in which any of the books of the contents of such books; and entry in such indexes shall be made, so far as practicable, immediately after the Registering Officer has [filed a true copy or memorandum of]⁷ the document to which it relates.

55. Indexes to be made by Registering Officers and their contents- (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, index No.1, Index No. III and Index No. IV

(2) Index No. 1 shall contain the names and additions of all persons executing and of all persons claiming under every [document of which a true copy or a memorandum is filed]⁸ in Book No.1

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the inspector general from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority [of which a true copy is filed]⁹ there under, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every [document of which a true copy is filed]¹⁰ in book No. 4.

⁶ Substituted by Act 7 of 1968. (Kerala)

⁷ Substituted by Act 7 of 1968. (Kerala)

⁸ Substituted by Act 7 of 1968. (Kerala)

⁹ Substituted by Act 7 of 1968. (Kerala)

¹⁰ Substituted by Act 7 of 1968. (Kerala)

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the inspector-general from time to time directs.

56. Repealed by S.2. of the Indian Registration (Amendment) Act, 1929 (XV of 1929).

57. Registering Officers to allow inspection of certain books and indexes and to give certified copies of entries-(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such book shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executant (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating there to shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Book Nos. 3 and 4 shall be made only by the Registering Officer.

(5) All copies given under this section shall be signed and sealed by the Registering Officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) AS TO THE PROCEDURE ON ADMITTING TO REGISTRATION

58. Particulars to be endorsed on documents admitted to registration – (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a Registering Officer under section 89, there shall be endorsed from time to time the following particulars, namely:-

(a) the signature and addition of every person admitting the execution of the document, and if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any signature of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document and any admission of receipt of consideration, in whole or in part, made in his presence in reference and execution.

(2) if any person admitting the execution of document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

59. Endorsements to be dated and signed by Registering Officer.- The Registering Officer shall affix the date and his signature to all endorsements made under section 52 and 58, relating to the same document and made in his presence on the same day

60. Certificate of registration-(1) After such of the provisions of sections 34,35, 58 and 59 as apply to any document presented for registration have been complied with, the Registering Officer with the number and page of the book in which [the true copy of the document has been file.]¹¹

(2) Such certificate shall be signed, sealed and dated by the Registering Officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsement referred to in section 59 have occurred as therein mentioned.

61. Endorsements and certificate to be copied and document returned [“(1) The endorsement and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document”.]¹²

(2) The registration of the document shall thereupon be deemed complete, and the document shall than be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

62. Procedure on presenting document in language unknown to Registering Officer-[(1) “when a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book.”]¹³

¹¹ Amended by Act 7 of 1968. (Kerala)

¹² Substituted by Act 7 of 1968. (Kerala)

¹³ Substituted by Act 7 of 1968. (Kerala)

(2) The endorsement and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the transaction shall be treated as if it were the original.

63. Power to administer oaths and record of substance of statement (1) Every Registering Officer may at his discretion administer an oath to any person examined by him under the provision of his Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the Registering Officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(D) SPECIAL DUTIES OF SUB-REGISTRAR

64. Procedure where document relates to land in several sub districts – Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and Sub Registrar shall file the memorandum in his Book No.1.

65. Procedure where document relates to land in several districts (1) Every Sub-Registrar on registering a non- testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(D) SPECIAL DUTIES OF REGISTRAR

66. Procedure after registration of documents relating to land – (1) on registering any non-testamentary document relating to immovable property the Registrar shall forward a memorandum of such document to each sub-registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map of plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1. and shall also send a memorandum of the copy to each of the sub Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1

67. Procedure after registration under section 30, sub-section (2)- On any document being registered under section 30, sub-section (2) a copy of such document and of the endorsement and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section (1)

(E) OF THE CONTROLLING POWERS OF REGISTRARS AND INSPECTORS-GENERAL

68. Power of Registration to superintend and control Sub-Registrars (1) every Sub-Registrar perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (Whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of nay Sub-Registrar subordinate to his or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

69. Power of Inspector – General superintend registration offices and make rules-(1) The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the State Government, and shall have the power from time to time to make rules consistent with this Act-

(a) providing for the safe custody of books, papers and documents;¹⁴

(b) declaring what languages shall be deemed to be commonly used in each district;

¹⁴ The words “ and also for the destruction of such books, papers and documents as need no longer be kept” were omitted by section 6. Act V of 1917

(bb) Providing for grant of licenses to document writers, the revocation of such licenses, the terms and conditions subject to which and the authority by whom such licenses shall be granted and generally for all purposes connected with the writing of documents to be presented for registration. (Added by Kerala Act II of 1959 with effect from 1.6.60)

(c) regulating the territorial divisions shall be recognized under section 21;

(d) declaring what territorial divisions shall be recognized under section 21;

(e) regulating the exercise of the discretion reposed in the Registering Officer by section 63;

(f) regulating the form in which Registering Officers are to make memoranda of documents;

(g) regulating the authentication by Registers and Sub-Registers of the books kept in their respective offices under section 51;

(gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;

(h) declaring the particulars to be contained in index Nos. I, II, III and IV, respectively.

(i) declaring the holidays that shall be observed in the registration offices; and

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved; they shall be published in the Official Gazette; and on publication shall have effect as if enacted in this Act.

70. Power of Inspector-General to remit fines- The Inspector-General may also in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

PART XII

OF REFUSAL TO REGISTER

71. Reasons for refusal to register to be recorded - (1) Every Sub-Registrar refusing to register a document except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2 and endorse the words "registration refused" on the document; and, on application

made by any person executing or claiming under the document, shall without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No Registering Officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution – (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order: and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution – (1) When a sub-registrar has refused re register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may within thirty days after the making of the order of refusal, apply to the Registrar to whom such sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints,

74. Procedure of Registrar on such application – In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire

(a) whether the document has been executed:

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. Order by Registrar to register and procedure thereon – (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the Registering Officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses; and compel them to give evidence, as if he were a civil court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. 1908

76. Order of refusal by Registrar – (1) Every Registrar refusing –

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75

Shall make an order of refusal and record the reasons for such order in his book No. 2, and, on application made by any person executing or claiming under the document, shall without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section, or section 72.

77. Suit in case of order of refusal by Registrar – (1) where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, any, within thirty days after the making of the order of refusal, institute in the civil court, within the local limits of whose original jurisdiction is situate the office in which the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII

Of the Fees for Registration Searches and Copies

78. Fees to be fixed by State Government – (1) The State Government shall prepare a table of fees payable
- (a) for the registration of documents;
 - (b) for searching the registers;
 - (c) for making or granting copies of reasons, entries or documents before, on or after registration;
 - (d) for every registration under section 30;
 - (e) for the issues of commissions;
 - (f) for filling translations;
 - (g) for attending at private residences;
 - (h) for the safe other custody and return of documents; and
 - (i) for such other matters as appear to the State Government necessary to effect the purpose of this Act.

[“(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the official gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons”.]¹⁵

79. Publication of fees – A table of the fees so payable shall be published in the official Gazette, and copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

¹⁵ Inserted by Act 7 1968 (Kerala)

80. Fees payable on presentation – All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

PART XIV

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent, to injure – Every Registering Officer appointed under this Act and every person employed in his office for the purpose of this Act, who being charged with the endorsing, copying, translating, registering, [or filling a true copy]¹⁶ of any document presented or deposited under its provisions, endorses, copies, translates registers [or files a true copy of]¹⁷ such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury as defined in the Indian Penal Code, dt. 4-06 1860 to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.
82. Penalty for making false statements, delivering false copies or translations, false personation and abetment – Whoever –
- (a) Intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or
 - (b) Intentionally delivers to a Registering Officer in any proceeding under [this Act or the rules made there under]¹⁸ a false copy or translation of a document or a false copy of a map or plan; or
 - (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
 - (d) abets anything made punishable by this Act;
- shall be punishable with imprisonment of a term which may extend to seven years, or with fine, or with both.
83. Registering Officer may commence prosecutions – (1) A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be commenced by or with the permission of the Inspector-General, the Registrar, or the sub-

¹⁶ Inserted by Act 7 1968 (Kerala)

¹⁷ Inserted by Act 7 1968 (Kerala)

¹⁸ Inserted by Act 7 1968 (Kerala)

registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any court or officer exercising powers not less than those of a Magistrate of the Second Class.

84. Registering offices to be deemed public servants - (1) Every Registering Officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. (45 to 1860)

(2) Every person shall be legally bound to furnish information to such Registering Officer when required by him to do so.

(3) In section 228 of the Indian Penal Code, the words “judicial proceeding” shall be deemed to include any proceeding under this Act.

PART XV

MISCELLANEOUS

85. Destruction of unclaimed documents – Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering Officer not liable for anything bona fide done or refused in his official capacity – No Registering Officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing so done invalidated by defect in appointment or procedure – Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering office, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

88. Registration of documents executed by Government officers or certain public functionaries –

(1) Notwithstanding anything contained in this Act, it shall not be necessary for-

(a) any officer of Government, or

(b) any administrator General, Official Trustee or Official Assignee, or

(c) the Sheriff, Receiver or Registrar of a High Court, or

(d) the holder for the time being of such other public office as maybe specified in a notification in the Official Gazette issued in that behalf by the State Government

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour in his official capacity, or to sign as provided in section 58.

(2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The Registering Officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.

89. Copies of certain orders, certificates and instruments to be sent to Registering Officers and filed.

(1) (omitted) as per Kerala Act 7 of 1968

(2) Every court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908, (5 of 1908) shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No.1

(3) (omitted) as per Kerala Act 7 of 1968

(4) Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1¹⁹

(5) Every court passing –

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or immovable property in favour of or of any person, or

(b) an order for the attachment or immovable property or for the release of any immovable property from attachment, shall send a copy of such decree or order together with a memorandum describing the property, as far as may be practicable in the manner required by section 21, to the Registering Officer within the local limit of whose jurisdiction the

¹⁹ Subsection 5 to 6 inserted by Kerala Act 7 of 1968

whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy and memorandum in his Book No.1

(6) Every officer issuing written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall –

(a) Second a copy of such written demand together with a memorandum describing the property, as far as may be practicable in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of the property is lifted or the property sold and the sale is confirmed, send a memorandum indicating that fact and describing the property, as far as may be practicable in the manner required by section 21,

to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such Registering Officer shall file the copy of the written demand and the memoranda in his Book No. 1

²⁰89A. Power to make rules for filing of true copies of documents.-

(1) The State Government may make rules for all purpose connected with the filing of true copies of documents in the appropriate Books under this Act.

(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

²⁰ Inserted by Act 7 of 1968

EXEMPTION FROM ACT

90. Exemption of certain documents executed by or in favour of Government – (1) Nothing contained in this Act or in the Indian Registration Act 1877, (3 of 1877) or in the Indian Registration Act, 1871, or in an Act thereby repealed, shall be deemed to require, or to have at anytime required, the registration of any of the following documents or maps, namely:-
- (a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement; or
 - (b) document and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or
 - (c) documents which, under any law for the time being in force, are filed periodically in any revenue office by parwaris or other officers charged with the preparation of village records; or
 - (d) Sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or
 - (e) notices given under section 74 or section 76 of the Bombay Land Revenue Code, 1879 (Act 5 of 1879) of relinquishment of occupancy by occupants or of alienated land by holders of such land.
- (2) All such documents and maps shall, for the purpose of sections 48 and 49, be deemed to have been and to be registered in accordance with provisions of this Act.
91. Inspection and copies of such documents – (1) Subject to such rules and the previous payment of such fees as the State Government prescribes in this behalf, all documents and maps mentioned in section 90, clause (a), (b), (c) and (e) and all registers of the documents mentioned in clause (d) shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.
- (2) Every rule prescribed under this section or made under section 69 shall be laid as soon as it is made before the state Legislature.
92. Repealed by A.O. 1937

REPEALS

93. ²¹ [Repeal and Saving – (1) The Indian Registration (Kerala Amendment) Ordinance, 1967 (9 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 1st day of January 1968]

²¹ Inserted by Act 7 of 1968

REGISTRATION RULES (KERALA)

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Appendix I to VIII

REGISTRATION RULES (KERALA)²²

[Under section 69 (2) of the Indian Registration Act, 1908

(XVI of 1908)]

NOTIFICATION

Trivandrum , dated, 27th December 1958. In exercise of the powers conferred on me by sub-section (1) of section 69 of the Indian Registration Act, 1908 (XVI of 1908) and in supersession of all previous rules on the subject 1, the Inspector General of Registration, hereby make the following Rules, with the approval of the Government of Kerala as required by sub-section (2) of the said section. The rules shall come in to force from a date to be notified.

(Sd.)

Inspector-General of Registration

CHAPTER I

OFFICE HOURS AND HOLIDAYS

1. The office of all Registration and Sub-Registration shall be open for at least seven hours, a day, Sundays and holidays excepted. The usual hours shall be from 10 am. to 5 pm. on all working days and these shall not be altered except with the approval of the Inspector General of Registration. If an alteration of these hours is sanctioned by the Inspector General, a notice showing the altered hours shall be affixed in a prominent place in each office for the information of the public.
2. In the offices of the sub-registrar, which function from 10 am. to 5 pm. documents shall not be accounted for registration after 3.30 pm. But in such offices which function from 10.15 am to 5.15 pm documents shall be accepted for registration till 3.45 pm. The remaining portion of the day shall be used for work in connection with the documents already accepted and for other miscellaneous items of work including the closing of accounts in those offices.
3. The holiday to be observed in registration offices are the holidays notified by the Government.
4. A document or a sealed cover purporting to contain a will shall not be accepted for registration or for deposit under section 42 on Sundays and other authorized holidays, (1)

²² Punished in Kerala Gazette Extraordinary No. 143, dated 27th December 1958.

Note-Rule 2 Substituted as per Notification No. MR – 1-2/72 dated 18.10.73 published in KG No. 44 dated 6-11-1973.

except in special urgent circumstances and on payment of the fee, if any, prescribed by Government in that behalf. When a document is accepted for registration under this rule, the fact should be reported to the higher authority explaining the urgency.

These is however, no objection to accept documents for registration or sealed covers for deposit or powers of attorney for authentication at a private residence out of office hours or on a Sunday or other authorized holiday, and for completing the registration of such documents or of the documents accepted on previous days or for the return of documents on such days if the Registering Officer is in the office.

CHAPTER II

SECTIONS 6 AND 7 OF THE ACT

Registration Officers

5. A Registering Officer shall, unless specially permitted by the inspector General of Registration live within his jurisdiction and at a distance no exceeding four kilometers from the office. A notice stating where the Registering Officer lives shall be affixed outside each Registration Office.
6. A Registrar shall report to the Inspector General of Registration, whenever he leaves his headquarters.
7. A sub-registrar shall report to the Registrar, whenever he leaves his headquarters.
8. When two or more offices are established in a Sub-District as joint offices each of the officers appointed to the charge thereof shall be designated joint sub-registrar and shall have concurrent-jurisdiction over the whole sub-district.
9. (i) When a joint sub-registrar is appointed, either temporarily or permanently to assist a Sub-Registrar, he will have no separate office or establishment but will both of them being entered in the same returns and registers and indexed in the same sheets.
(ii) In such cases, the registration of a document accepted by one officer shall be completed and the entry relating thereto authenticated by the same officer and not by the same officer and not by the other.
(iii) The senior of the two Sub-Registrars shall sign and be designated as Sub-Registrar and the other as joint Sub-Registrar. The Senior Sub-Registrar will, be in charge of the administrative control of the office.

10. (1)²³ In an Office of the Sub-Registrar, when the Sub-Registrar is absent, the Joint Sub Registrar and in his absence the Junior Superintendent will be in charge of the office. If there is no Joint Sub Registrar or Junior Superintendent, the Head Clerk and in his absence the Senior most clerk with the test qualification in that office shall be in charge and shall attend to the duties of the Sub Registrar.
10. (2)²⁴ The Junior Superintendent of an office of the Sub Registrar or, where there is no Junior Superintendent the Head Clerk of that Office shall also be the Registering Officer for the purpose of section 57 of the Registration Act. In discharging functions under that section they shall sign and designate themselves as “Junior Superintendent/Head Clerk exercising the powers of the Registering Officer”.
11. (1) When a Registrar is absent or on other duly the Sub-Registrar whose office has been amalgamated with the Registrar’s Office and when there are more such Sub-Registrars than one, the senior sub-registrar of that office shall perform the duties of the Registrar excepting the work of inspection and the hearing of appeals and applications under sections 72 and 73.
- (2) The District Registrar and the Sub-Registrar, whose office is so amalgamated shall not ordinarily be absent from the headquarters at the same time, whether on casual leave or otherwise. When both officers happen to be absent, the Junior superintendent of the Registrar’s office or the Junior superintendent of the office of the sub-registrar if any, of the amalgamated office of the sub registrar or such other sub-registrar as specially authorized by the Inspector General of Registration shall be the Sub-Registrar of the amalgamated office during such absence.

CHAPTER III

SECTION 15 OF THE ACT

12. (i) The seal shall always remain in the personal custody of the Registration Officer.
- (ii) It shall be used in authenticating
- (a) the certificates endorsed on a registered instrument under section 60;
- (b) powers of attorney attested under section 331;
- (c) summons and commissions issued under sections 33 and 38;
- (d) certified copies under section 57;

²³ Kerala Gazette No. 42/28-10-86

Ntn: no E4-35950/86/12-8-86

This amendment shall come in to force with effect on and from the first day of October 1986.

²⁴

- (e) memoranda and copies forwarded under sections 64 to 67 and under rules 28, 185, 186, 187 (iii) and 188 (iv)
 - (f) copies of orders of refusal to register, granted under sections 71 and 76.
 - (g) copies other than those above referred to granted to parties;
 - (h) certificates and lists granted to applicants under rules 168 and 169;
 - (i) copies of judgments of Registrars in appeal cases; and
 - (j) reproduced entries of old registers.
13. Should a Registering Officer find himself temporarily unprovided with the prescribed seal, registration shall nevertheless proceed as usual, and such documents as have been transcribed shall remain in his custody until the seal can be affixed to the registration certificate.

CHAPTER IV

SECTIONS 16 AND 51 OF THE ACT

Book and Forms

14. The Registers shall be in the forms shown in Appendix 1.
15. (i) Where necessary more than one volume of the Books 1, 3 and 4 may be used simultaneously for the registration of documents.
- (ii) The several volumes of each class of registrations shall be serially numbered.
16. A file book shall be maintained in each Registration Office corresponding with book 1. In this shall be filed:-
- (a) omitted
 - (b) copies and memoranda registered instruments received under sections 64 to 67 and rules 28, 185, 187 (iii) and 188 (iv)
 - (c) copies of certificates and orders and instruments received under section 89 and also under the Civil Procedure Code and copies of final decree under the Civil Rules of Practice;
 - (d) returns of lands acquired under the Land Acquisition Act;
 - (e) communications received from officers of other departments intimating the cancellation, modification or rectification of transactions evidenced by papers previously filed.

17. A separate file shall be opened for filing transactions presented under sub-rule (ii) of rule 22. The copies and translations placed in this file shall be connected by cross reference with the entry in the register.
18. The Registers and file books shall contain such number of pages as the Inspector General may from time to time prescribe.
19. Should a Registering Officer who requires a fresh register book have no blank register in stock, instruments tendered for registration shall, nevertheless be received as usual, the necessary enquiries made and the prescribed endorsements entered. But the instrument shall remain in the custody of the Registering Officer until the action provided by the Act and Rule is completed.
20. The Inspector-General of Registration will arrange for the supply of books and forms required for use on proper indents from the subordinate offices.

CHAPTER V

SECTION 19 OF THE ACT

Languages

21. English and Malayalam shall be deemed to be commonly used in the Kerala State. Tamil may be deemed to be commonly used in Peermade and Devicolam Sub-District of the Kottayam District and Chittur and Nemmara Sub-Districts in the Palghat District and Canaresa in the Sub-District of Hosdrug, Kasargod, Manjeshwar and Trikarapur of Tellicherry District.
22.
 - (i) The stamp vendor's endorsement on a document shall be considered to be part of the document, and if it is in a language not understood by the Registering Officer, the party concerned shall be required to file a translation.
 - (ii) When a power of attorney is presented for attestation or when an attested power of attorney is produced by an agent with, or in connection with a document presented for registration and the power of attorney is written in a language not commonly used in the district, the Registering Officer may, if he does not understand the language, demand a true translation of the power in a language commonly used in the District also being produced.
 - (iii) The translation shall be certified to be a true translation and shall be signed by the presentant.
 - (iv) Deleted

(v) The copies and translations mentioned in this rule as well as in rule 16, shall be in the form prescribed and supplied by the Department.

CHAPTER VI

SECTION 21 AND 22 (i) OF THE ACT

Description of property

23. The description of the “territorial division” required by section 21 of the Act shall, as far as practicable, give the following particulars:-

- (a) The Registration District
- (b) The Registration Sub-District
- (c) The taluk and firka or proproctory estate
- (d) The amsom, village or pakuthy, desom, muri, kara or chery, hamlet or suburb, in which the property referred to in a registrable document is suited.
- (e) The survey and sub-division number or numbers.
- (f) The full description of the land, the boundary, the nature and tenure of the land concerned and the extent (of each survey or sub-division number of which the property is comprised in acres and cents and also in hectares and ares), both in figures and words:

Provided that after the transition period of three years commencing 1st October 1963, it shall not be necessary to express the extent in acres and cents.

Note_ The rules shall have the same meaning and application to “desom” in Malabar area as they have to villages, in Travancore - Coching area and shall be read and construed as if the words “desom” or “desoms”, where used for the words “village” or “villages” respectively wherever they occur in these rules.

24. If property is described in a document by a specific reference to an instrument which has been already registered or of which a true copy has been filed under section 65 or 66 in the office in which the document is presented for registration and if that instrument contains the particulars required by the rule in force, the description need not necessarily be repeated in the document.

25. Whenever any non-testamentary document presented for registration relates to land situate in any local area in respect of which the Government have issued a rule under section 22 (1) of the Act requiring description by reference to a Government map or survey, the Registering Officer shall satisfy himself that if the land comprises one or more entire survey fields or

Sub-divisions the document specifies the number of each field or sub-division and that if the land has no separate number assigned to it, the document specified the number assigned to the field or sub-division in which the land is situated and further includes a description of land sufficient for its identification.

26. The description of property shall be given in the form of a schedule and shall contain such other particulars as may be prescribed by the inspector General of Registration from time to time.

CHAPTER VII

SECTIONS 19, 20, 21, 22, 28, 29, 32, 40, AND 52 OF THE ACT

Presentation and Examination of Documents

27. (a) A document relating to immovable property which is situate partly within and partly without the areas to which the Indian Registration Act applies may be registered in the office of any Registering Officer within whose jurisdiction any portion of the property is situate; but in such a case the certificate of registration shall show that the registration has been effected only as regards that portion of the property which lies within the areas where the Registration Act is applicable.
- (b) A document relating to immovable property situated wholly outside the tracts to which the Indian Registration Act applies may be registered by a Registering Officer in Book 4, but the presentant shall be warned by a note below the registration certificate that its registration does not affect the right in the property.
28. A Registering Officer having jurisdiction to accept a document for registration at the time of its presentation to him shall complete its registration notwithstanding the fact that the village in which the property affected is situate has been transferred from his jurisdiction of its registration But when the document affects immovable property a memorandum shall be sent, without levy of any fee, to the office to whose jurisdiction the village has been transferred for the purpose of being filed in file Book 1 of that office.

When, however, after refusal to register by a Registering Officer, the village in question is transferred whilst the document is on appeal to application before the Registrar or in a suit before a civil court, to the jurisdiction of another sub-Registrar, the document, if the Registrar or the court orders that it shall be registered, shall be represented for registration the officer to whose sub-district the village has been transferred.

29. (i) A document for registration other than copy of a document forwarded under section 89 of the Act shall be presented in person, with the prescribed fees, direct to the Registering Officer and not to a clerk or peon.
- (ii) A document referred to in section 88(2) may be presented through a messenger with a covering letter signed by the Government Officer or other person concerned referred to in section 88(1) of the Act.
- (iii) A document shall not be accepted if transmitted by post.
30. (i) A non testamentary document presented for registration shall not be accepted unless it is attested by the document writer and the scribe, if any, duly of licensed under the Document Writers' License Rules for the time being in force.

Provided however that the above rule shall not apply to documents executed on behalf of or in favour of the Government.

(ii) The Registering Officer shall not accept for registration a document in respect of which the name of the purchaser of the stamp paper or papers used for it, does not tally with the name and address of any of the parties to it.

(iii) Where any document which purports to transfer assign, limit or extinguish the right, title of any person to or in immovable property valued at more than ^{25*} two lakh rupees no Registering Officer shall accept any such document unless accompanied by a certificate from the income tax officer to the effect that:-

(a) Such transferor, assigner, etc has either paid or made satisfactory provision for the payment of all the existing liabilities under the Indian Income tax Act 1961 (13 of 1961), The Excess profits, Tax Act 1940 (15 of 1940) The Business profits Tax Act 1947 (21 of 1947) The Indian Income Tax Act 1922 (11 of 1922) The wealth Tax Act 1957 (27 of 1957), The Expenditure Act 1957 (20 of 1957) and the gift Tax Act, 1958 (18 of 1958); or

(b) the registration of the document will not prejudicially affect the recovery of the existing liability under any of the above said Acts.

²⁵ * "fifty thousand rupees" was amended as "two lakh rupees" by Notification No. Ins 4-15177/87 dated 27th June 1988 of I G. of Registration. Kerala Gazette Ex. Ord: vol No. XXXIII dated 29th June 1988.

Notes: Income tax clearance certificate under sec. 230a-(i) is not necessary in respect of partition deed (C. No. 103/A/Tech/13-67-68 dated 31-10-87 of commissioner of Income Tax.)

(iii) A: No Registering Officer shall register any document which purports to transfer immovable property which lies within the area comprised in the “Trivandrum Development authority” or the Greater Cochin Development authority of such value exceeding 10 lakhs rupees unless a certificate from the appropriate authority constituted by the Central Government under section 269UB of the Income Tax Act 1961 to the effect that it has no objection to the transfer of such property by such document is obtained and filed.

(iv) A document evidencing conveyance or absolute transfer of property shall not be accepted for registration unless accompanied by an application in the prescribed form for transfer of revenue registry of the land so conveyed or transferred.

(v) Document containing conveyance or absolute transfer of property shall not be accepted for registration unless accompanied by an application in the prescribed form for transfer of revenue registry of the land so conveyed or transferred.

(vi) No document representing a release of chitty security, shall be registered, when presented before a Sub Registrar unless it is accompanied by a copy of the order of the Registrar of that chitty under sub section (4) of section 15 of the Kerala Chitties Act, 1975 (23 of 1975) or a certificate from such Registrar that the claims of all the subscribers of the chitty have been fully satisfied.

(vii) No document relating to any transfer of land shall be accepted for registration unless the transferor and the transferee make separate declaration in writing in duplicate in such form as may be prescribed under the Kerala Land reforms Act 1963 (1 of 1964) as to the total extent of land held by him.

31. Every document shall before acceptance for registration be examined by the Registering Officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with. If there is any informality in presentation of a nature which can be remedied, the Registering Officer shall give the party such information as may be necessary and return the fees and the document with a view to the document being presented again in due form.

** ²⁶ Amended by notification No. Ins 4-21410/69 dated 13th June 1990 published In Kerala Gazette No.31 dated 31 July 1990.

Notes: The Jurisdiction of Trivandrum Development authority comprises the area covered by Trivandrum city Corporation and Panchayaths of Vizhinjam, Venganoor, Thiruvallam, Kazhakoottam, Attipra, Sreekaryam, Vilappil, Nemon, Kalliyoor, Pallichal, Chettivilakam, Kadakampally, Vilavoorckal, Vattiyoor Kavu & Ulloor. The Jurisdiction of Greater Cochin Development authority comprises the area covered by: Cochin Corporation, Municipalities of Perumbavoor Always; North Parur, Angamaly, Thriyppunithura, Eloor & Kalamassery; Panchayaths of Pallippuram, Kuzhuppally, Edavakkad, Ezhikkara, Kottuvally, Alangad, Kadungalloor, Kadamakkudy, Cheranalloor, Nayarambalam, Njarackal, Elamkunnappuzha, Malavukad, Nedumbassery, Chengamanad, Kanjoor, Sreemoolanagaram, Keexhmad, Choornikkar, Vazhakkulam, Thrikkakkara, Vadavocod-Puthencruz, Thiruvankulam, Chottanikkara, Maradu, Kumbanlingi, Chellanam, Kumbalam, Udayamperoor, Mulanthuruthy and Edathala. (Ins 4/21410/89/22-08-90 of IGRgn)

For instance, in cases such as those mentioned below the should explain the defect to the presentant: If the document is presented in the wrong officer; if an agent has come without a power of attorney or without such a power as the Act requires: if the description of the property is either insufficient for purposes of identification or does not full the requirements of Chapter VI of these rules, if the document is not accompanied by translation or copy is necessary; if there are unattested interlineations, alterations, erasures or blanks which the Registering Officer consider should be attested by the initials or signatures of the executants; if the date of execution is not given in the document, or if it is anterior to the date of purchase of the stamp paper on which the document is written or if the date is given according to both the Indian Calendar and the Malabar Era and these dates do not tally. The action of the Registering Officer in this respect shall be confined to advice and he shall not himself alter the document in any way.

32. (i) One side of the paper on which the document is written shall be left blank to admit of the prescribed endorsement and certificates being entered. This may however be relaxed in the case of documents executed by or on behalf of the Central or State Governments, which have been drawn up in forms approved by the respective Government.
- (ii) Document written in pencil or in any ink other than blue-black ink or black ink shall be inadmissible for registration.
- (iii) Sub-rules (i) and (ii) shall not apply to wills presented for registration after the death of the testator.
- (iv) Documents may be printed or typewritten.
33. Each important interlineations, erasure or alteration occurring in a document shall, whenever possible be caused to be noted or described at the foot of the document and to be signed by the executant before the document is accepted for registration. This course is, however, unnecessary in respect of a document executed solely by a public functionary as such or of a copy received under section 89 of the Act. In such cases if will suffice if the interlineations, erasure or alteration is attested by the officer concerned.
34. Every copy of a map or plan accompanying a document shall be certified to be a true copy and shall be attested by the signature of the person executing the document or his duly authorized agent.
35. When a document is presented for registration in the duplicate or duplicates, the Registering Officer shall treat the duplicate or duplicates as such if they are exact reproductions of the original and bear the same date. Should any discrepancy be detected, the resentant shall be

required to reconcile it before the document is accepted for registration. If the original contains a map or plan a copy shall be annexed to each such duplicate or duplicates.

36. (i) A document which relates to land shall, before it is accepted for registration, be checked with the survey numbers and subdivisions in the subsidiary indexes maintained under rule 149 and also, when necessary, with the Settlement Registers in order that the Registering Officer may cause incorrect or fictitious numbers entered in the document to be rectified,
- (ii) If a survey number or a sub-division number entered in a document is not found in the subsidiary indexes or Settlement Registers, the Registering Officer shall, if necessary, make a reference to the Revenue Department.
- (iii) If the sub divisions of a field are found in the subsidiary indexes or Settlement Registers and the field is described in the document without reference to any sub-division the document may be returned for rectification.
37. (i) If there are no impediments such as those mentioned above to the acceptance of a document for registration or if the document is presented again after any such impediments have been removed, the Registering Officer shall endorse on the document the date, the hour and minute, the place of presentation and the fees realized and take the signature of the presenting party to such endorsement.
- (ii) If however, any of the impediments referred to above is discovered after the presentation endorsement has been made on the document, the document may be returned for correction or amendment, if the party so desires, with an endorsement to that effect. Should the document be presented again a representation endorsement shall be made.
38. (i) If the period presentation has elapsed, but the document is still admissible on payment of a fine, the Registering Officer shall, if he is a Sub-Registrar, accept the document after collecting the prescribed fee and fine and record the admission of execution, and suspend its registration pending the orders of the Registrar.
- (ii) If the document is chargeable with duty under the Stamp Act, for the time being in force, or surcharge, if any, and is not duly stamped, the Registering Officer shall impound it and forward it to the Collector, registration being suspended, or deal with it otherwise as prescribed thereunder.
- (iii) Pending orders of the Registrar or prior to sending a document to the Collector, the Registering Officer, may, however, record the admission of execution and the examination of

witnesses, if any. Recording of admission of execution is no impediment for refusal of registration if refusal is found necessary afterwards.

Before forwarding the document to the Collector the Registering Officer shall endorse on it, "Impounded and forwarded to the Collector under section 38 of the Indian Stamp Act and/or under section 37 of the Kerala Stamp Act."

39. If the executant of, or a person who proposes to present a document is in doubt about the proper stamp and consults a Registering Officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the party at the same time that if he wishes to obtain an authoritative opinion, he must apply to the Collector, under the Stamp Act for the time being in force.
40. If a document is dutiable under the Court Fee Stamp Act. and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it, in order that the stamp duty or the deficiency in the stamp may be made good.

Minute Book

41. (i) Every Registering Officer shall maintain a "Minute Book" in such manner as the Inspector General or Registration may from time to time prescribe in this book shall be recorded each day's proceedings in respect of every document on which a presentation endorsement has been made and which is neither admitted to registration nor refused registration on the day of presentation. Proceedings in respect of a will or authority to adopt presented under section 41 (2) or of a document presented for registration after the death of the executant or the executant of which dies before admitting execution shall be excluded.
- (ii) A separate register shall be maintained, for recording the details in respect of documents admitted to registration but pending transcription.

CHAPTER VIII

SECTIONS 25 AND 34 OF THE ACT

Delay in Presentation and Appearance

42. (i) A Registering Officer may require that the date of execution shall be entered in a document presented for registration whenever it is not found therein;
- (ii) The date of execution of a document if the date on which it is signed by the party and the date which document bears at its head is not necessarily the date of its execution for registration purposes;

(iii) The date on which a certificate of sale by a Civil or Revenue Court was signed by the Court, shall be taken as the date of execution for registration purposes;

(iv) An alteration in the date of execution of a document made ostensibly for the purpose of evading payment of the penalty leviable under sections 25 and 34 of the Act shall not be recognized and the document shall be treated as having been executed on the date originally entered therein;

(v) If the date of execution is not stated or if it is altered or if the document bears an impossible date or a fictitious date anterior to the date of purchase of stamp on which the document or any portion of it is written the document shall be refused registration if the correct date cannot be ascertained.

43. An application for registration on payment of lines under sections 25 and 34 of the Act shall be in writing but requires no stamp. A statement in writing from the party concerned shall be regarded as equivalent to an application under these sections.

44. The fines for delays in presentation and appearance under sections 25 and 34 shall be regulated as follows:-

When the delay does not exceed one week after the expiration of the time allowed for presentation or appearance.	A fine equal to the registration fee,
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When the delay exceeds one week but does not exceed one calendar month	A fine equal to twice the registration fee
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When the delay exceeds one month but does not exceed two months	A fine equal to five times the registration fee.
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When the delay exceeds two month but does not exceed four months	A fine equal to ten times the registration fee.
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Explanation:- (1)The fine shall be levied in addition to the proper registration fee.

(2) The term “registration fee” as used in this rule does not include the fees payable for registration under section 30 or for filing a translation under section 19 of the Act, or fees for copies and memoranda or for attendance at a private residence or extra copying fee.

(3) In computing the time allowed for presentation of documents and appearance of executants the date of execution shall be excluded.

45. When a document is presented for registration in duplicate or duplicates the fine leviable under rule 44 shall be calculated as for one document only.
46. Whenever a fine for delay in appearance is levied on more occasions than one in respect of one and the same document the amount of the fine leviable on the second and subsequent occasion shall be the difference, if any, between the total amount leviable up to the second or subsequent occasion and the fine or fines previously levied in respect of such document.
47. (i) For the registration of a document the acceptance of which has been directed by the Registrar on payment of fine under section 25 of the Act a period of four months is admissible in addition to the ordinary period of four months prescribed in section 24. The executant must accordingly appear and admit execution within 8 months from the date of execution. If he fails to so appear by the Registrar on payment of fine under the proviso to section 34.
- (ii) Whenever an application under section 25 or section 34 is lodged with a Sub-Registrar, he shall forward the same whether he considers the reason for delay to be satisfactory or not, for the orders of the Registrar but as laid down in rule 38 (iii) there is no objection to his recording the admission of execution on such a document before forwarding the application to the Registrar.
- (iii) When the Registrar condones the delay either under section 25 (1) or under the proviso to section 34 (1) and directs either the acceptance of the document for registration or its registration as the case may be the Sub-Registrar on receipt of orders to that effect from the Registrar, shall make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date.

“Acceptance for registration/admission to registration was directed by the Registrarin his order No..... dated.....on payment of under section 25/section 34 of the Registration Act, 1908.”

Date

Signature of the Registering Officer

CHAPTER IX
SECTIONS 31, 33 AND 38 OF THE ACT
Attendance at Private Residence

48. In ordinary cases, the acceptance for registration of documents or deposit of wills shall be made only at the Registration Office. But in the case of persons referred in the proviso to sections 31, 33 (1) and 38, the Registering Officer may attend at a private residence for the purpose of accepting or recording the-admission of execution of a document or for accepting for deposit a sealed cover containing a will or for attesting a power-of-attorney or accepting an application for cancellation of a power-of-attorney.
49. An application for attendance at a private residence shall be in writing and shall, in all possible cases, be signed by the person on whose behalf attendance is required. It need not be stamped.
50. A requisition for attendance at a residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to section 31 of the Act, a commission should, if practicable, be issued. In cases the issue of commission is impracticable or objectionable, the Registering Officer shall obtain in his deposition-book, a statement from the party concerned justifying the urgency whether due to illness or otherwise and a copy of this statement shall be attached to the report of private attendance.]
51. A Registrar or in his absence, the sub-registrar attached to the Registrar's office doing duly as Registrar may attend to a private residence situated within the limits of his district even though it may not lie within the sub-district under his immediate charge; but a sub-registrar shall not proceed out of his sub-district for the purpose.
52. Every attendance at a private residence by a sub-registrar or under his orders shall be reported to the registrar, and by registrar or by a sub registrar, doing his duties shall be reported to the inspector general of registration within twenty four hours.
53. (i) Persons exempt by law from personal appearance in court are,
(a) women who, according to the customs and manners of the country, ought not to be compelled to appear in public, and
(b) persons of rank specifically exempted by the Government.
(ii) A list of persons exempted under sub-rule (i) (b) shall be obtained by the Registrar from the High Court or District Court and communicated to every Sub-Registrar in his district.
(iii) When in the course of attendance a private residence the Registering Officer is required to record in respect of the same document or documents the admission of co-executants if any, the request may be complied with.

54.

(i) A commission issued under section 33 or section 38, shall be prepared in the form shown in Appendix II and shall, when the person to be examined resides within the sub-district, be addressed ordinary by the Registering Officer to one of his clerk. When the person to be examined resides in another sub-district, whether within the same district or in another district the commission shall be directed to the Sub-Registrar of the latter sub-district. The Sub-Registrar receiving a commission so addressed may, if he cannot attend personally, re-direct it to any officer of his establishment. A commissioner shall not examine any other executant than the person or persons mentioned in the commission.

(ii) When the commission is of the examination of an executant and has been executant, the Commissioner shall return the document to the office from which it was issued endorsed as follows:-

Having attended the at residence of A.B. son of C.D., at I have this day examined the said A.B., who has been identified to my satisfaction by C.F. son of G.H. etc. residents of and the said A.B., admitted (or denied) the execution of this document (or the voluntary execution of this power-of-attorney).

Left thumb impression of executant. Full signature of executant.

Signature of witnesses. Commissioner.

(iii) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clause to this endorsement:-

“and acknowledged receipt of Rs.....(or goods to be specified) being consideration in whole or in part”.

(iv) Where consideration is paid in the presence of the Commissioner, he shall add the following to the endorsement:- “I also certify that Rs.....(or goods to be specified) were paid (or delivered) in my presence to the said A.B. by”

The signature of the payer and payee shall also taken below this endorsement, as provided in the specimen form in Appendix V.

(v) On receiving Commissioner’s report, the Registering Officer shall, if satisfied as to the execution of the document make the following endorsement below the report:-

“From the foregoing report I am satisfied that this document has been executed/power-of-attorney has been voluntarily executed by the said A.B.”

Date.

Signature of Registering Officer.

55. A Commissioner may examine witnesses in the same manner as a Registering Officer and persons who may be required to give evidence before a commissioner and who refuse to do so shall be subject to the penalties and punishments which they would incur for the same offence committed in a Registration Office.
56. A Registering Officer may examine the Commissioner personally in his office touching any of the circumstances connected with the discharge of his commission, especially with reference to the voluntary nature of the admission of execution.

CHAPTER X

SECTION 33 OF THE ACT

Power of Attorney

57. (i) When a power-of-attorney is executed before a Registering Officer he shall, after satisfying himself of the identity of the party and obtaining when necessary his left thumb impression against his signature authenticate it in the following form:-

No of 19

Executed in my presence (at*) at (give exact hour and minute) this day of 19 by A.B., who is personally known to me/or whose identity is proved by (signature of) C.D, (with addition) and (signature of) E.F, (with addition).

Date

Signature of Registering Officer.

Seal

Note*-to be filed in when the execution takes place at a place other than the Registering Office, eg., a private residence.

(ii) When a power-of-attorney which has not been executed before a Registering Officer is presented to him for authentication under the proviso to section 33 of the Act, the Registering Officer, shall, if he attends himself at the private residence of the principal or if the principal appears in the office behind a purdah and is examined with the help of hammannee or a female attendant adopt the following form of authentication:-

“No..... of 19.....fee levied
Rs.....

I certify that I have satisfied myself on examining at..... at..... on..... hours / this day of 19.....

(signature of) A.B. who is a Gosha lady with the aid of(Signature of C.D.) hammannee/female attendant (with addition) that this power-of-attorney has been voluntarily executed by the said A.B. who purports to be the principal and who is personally known to me (or whose identity has been proved by (1) (FF) (Signature with addition) and (2) (G.H.) (Signature with addition).

Signature of the Registering Officer

with name and designation

Station:

Date:

Seal

(iii) In authenticating a power-of attorney which occupies more than one sheet of paper, the seal and the signature of the Registering Officer shall be affixed to each sheet.

(iv) Every interlineations, blank, erasure or alteration in the body of a power-of-attorney which is authenticated and not registered shall, at the time of authentication, be detailed in a footnote added to the document below the endorsement or authentication; and shall be signed by the Registering Officer even if the party himself has entered a similar note in the document. If there are no interlineations blanks, erasures or alterations in the body, the fact shall be noted.

Interlineations, etc., in the authentication endorsement shall be initialed by the Registering Officer.

58. (i) If a document is presented for registration under a special power-of-attorney the power shall be retained and filed in the office with the following endorsement:-

No..... of 19

Presented with document No of 19 of Book volume.....

Date Signature of Registering Officer

(ii) If document is presented for registration under a general power-of-attorney, the power shall be returned with the following endorsement. Presented with document No of 19..... of Book..... Volume.....

Date Signature of Registering Officer

Note:- Number required only in the case of a special power.

59. The endorsement prescribed in rules 57 and 58 may be written in English or in the language in which the power of attorney was written.

60. A power of attorney may be brought to a Registering Officer (1) for authentication, or (2) for registration, or (3) for both authentication and registration in the first case, he shall merely make the entry prescribed for authentication; in the second case, he shall register the power in the same manner as any other document; and in the third case, he shall first authenticate the power and then admit it to registration in the usual manner.
61. Although a power-of-attorney may be registered like any other instrument, it is not valid for registration purposes unless authenticated. When a power-of-attorney is brought to a Registering Officer by a person who does not understand the distinction between authentication and registration, the Registering Officer shall explain the difference to him and give him such information as may be necessary.
62. A Registering Officer is authorized to authenticate those powers-of-attorney which are executed for registration purposes. A Registering Officer shall accordingly, refuse to authenticate a power entirely unconnected with registration.
63. An abstract in the form given in Appendix II shall be retained of each power of attorney authenticated by a Registering Officer whether such power is general or special, registered or not registered. The abstract shall be signed by the Registering Officer, and shall be filed in a separate file with a serial number along with other power retained under rule 58. The notes of interlineations, blanks, erasures and alterations written by the Registering Officer on the original power shall be copied verbatim in the abstract.
64. (i) A party who wishes to revoke a power of attorney granted by him for registration purposes being unable to obtain its surrender from its grantee shall apply by petition to a Registering Officer within whose jurisdiction such power was originally attested or was intended to operate, to have the same revoked
- (ii) A fee of one rupee shall be levied on every such petition presented.
- (iii) The Registering Officer shall on presentation of the petition satisfy himself as to the identity of the party presenting it in the manner provided in connection with the registration of documents.
- (iv) Such petition shall be countersigned by the Registering Officer and filed in the office. The countersigned petition shall have the effect of revoking the power-of-attorney.
- (v) The revoking petition shall contain a request to the Registering Officer that the revocation of the power-of-attorney be notified in the gazette. An advertisement to the effect on a separate paper shall form an enclosure to the said petition and the same shall be duly signed by the party.

(vi) The said notification in the Gazette shall be in the following form:-

Year, month and date of the power of attorney and attestation number with the name of the office in which it is attested	name of the grantor	name of the grantee	Local limits in which the power of attorney had force	year month and date or revo cation
---	------------------------	------------------------	---	--

Station.

Signature (in full) of applicant.

Date

Signature of Registering Officer

(vii) The Registering Officer shall send such notification duly signed by him to the inspector-general of registration with a certificate of identification under sub-rule (iii) to be published in the Government Gazette without delay.

(viii) The date on which the Gazette containing a revocation notification reaches a Registering Officer shall be regards as the date of a revocation of the power-of-attorney in districts or sub-districts other than that in which the revoking petition was attested.

(ix) No Registering Officer shall thereupon take any action on such revoked power-of-attorney.

(x) All the charges relating to the publication of such notification shall be borne by the party at whose instance it is published.

(xi) Each registration office shall maintain a register of all revocations of powers of attorney. In this register shall also be entered the intimations of revocation if any received through Gazette and from the Registering Officers outside the State.

(xii) A petition containing a request to the Registering Officer that the revocation of the power of attorney be intimated to any other Registering Officer, shall be complied with.

CHAPTER XI

SECTION 35 OF THE ACT

Examination of Parties

A. Executing parties

65. (i) The expression "A person executing a document" shall be held to include-
- (a) Any person who becomes surety for the repayment of a loan or the fulfillment of a contract and in that capacity affixes his signature
 - (b) Any person who endorse a negotiable instrument;
 - (c) Any person who signs a receipt or a discharge endorse on a document;
 - (d) Any person who signs a document as an executant in token of his assent of the transaction and not merely as a witness, even though not be described as an executant in the body of the document.
- (ii) In the case of a document purporting to be executed by an attorney or by a guardian of a minor, or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be a person executing the document for the purpose of section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

B. Enquiry before registration

66. As a general rule registration shall take place in public, but the Registering Officer may, on the application of a party, and if he considers such a course is called for, exclude the public during the course of any enquiry.

Arrangements may be made under this rule of exclude the general public during the course of the examination of a Ghosha Lady who wishes to appear before the Registering Officer in his office. If she is wishes to be examined through a female objections raised on any of the grounds stated below:-

- (a) that the parties appearing or about to appear before him are not he persons they profess to be;
- (b) that the document is forged;
- (c) that the person appearing as a representative assign or agent, has no right to appear in that capacity;
- (d) that the executing party is not really dead, as alleged by the party applying for registration; or
- (e) That the executing party is minor or an idiot or a lunatic.

68. The term “representative” used in the Act includes not only the guardian of a minor and the curator of an idiot or a lunatic but also the executors, administrators and heirs of a deceased person. Satisfactory proof of the right of a person to appear in any of these capacities shall be adduced before he is permitted to present a document or to admit or deny its execution.
69. A Registering Officer should form his own opinion as to whether a party appearing before him as executant of a document is a minor, a lunatic or an idiot. He is not expected to hold an elaborate enquiry although, if he so desires, he may examine on the spot any one present in the office.
70. When (i) a non-testamentary document is presented for registration after the death of the executant or (ii) the executant dies after presentation of a document by the claimant or his representative, assign or agent and before admission of execution, the Registering Officer shall ascertain by examining the presentant and the witnesses accompanying him who the representatives or assigns of the executant are and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assigns of the deceased executant are present in the office at the time of presentation of the document in case (i) or on the day fixed for the appearance of the executant in case (ii) and if the Registering Officer is satisfied of their representative character he shall examine them on that day in regard to the execution of the document by the deceased. A day shall there be fixed for the appearance of any other persons claiming to be representatives or assigns for examination in connection with the document and summons shall be issued to such of the ascertained representatives as have not yet been examined. A notice of the fact of the intended enquiry shall be posted in the office premises and in the village office of the village in which the deceased resided and of the village or villages where the property affected by the document is situated. A notice shall be published in the Government Gazette also. The cost of the service of the notice and of its publication in the Gazette shall be levied from the person who presented the document for registration.

If the persons already examined as representatives have admitted execution and if on the notified day the persons summoned appear and admit execution, and if any other person claiming to be a representative or an assign who may appear on that day admits execution, the document shall be registered. Should any representative or assign, of whose right to appear as such the Registering Officer is satisfied, deny execution or willfully avoid appearance the document shall be refused registration in toto.

If, on the day fixed for the examination, all the representatives who appear admit execution, or if persons claiming to be representatives have already appeared and have admitted execution and no representatives appear on the day fixed as aforesaid, the document shall be registered

as regards the deceased executant. But if some of the representatives admit execution and others deny it, the registration shall, when the Registering Officer is a sub registrar, be refused. A registrar in such a case will proceed under sections 74 to 76 of the Act.

71. A document executed by a person who is unable to read shall be read out and, if necessary, explained to him. A document written in a language not understood by the executing party shall, in like manner, be interpreted to him. When a party to be examined is deaf, dumb or blind recourse must be had to the means by which he makes himself understood.

C. Identification of parties

72. The identity of parties appearing before the Registering Officer should if possible be proved by the testimony of persons who are personally known to himself or when this is not procurable, by the next trustworthy evidence which may be available. The Registering Officer shall require them to produce such persons to testify to their identity.

73. (i) A Registering Officer shall require any executant or claimant regarding whose identify he has to satisfy himself, but who is not personally known to him to affix, in his presence, whether such person both in the register of thumb impression maintained in each registration office as well as on the document presented for registration provided, however, that such impressions may at the discretion of the Registering Officer, be dispensed with in cases where he is fully satisfied otherwise that the person appearing before him is the real person he professes himself to be. Identifying or other witnesses may also be required to affix similar impressions if the Registering Officer considers it necessary for their proper identification.

(ii) In the thumb impression register the impressions shall be obtained in the serial order of the document numbers. In the column provided for the purpose number, book and year of the document in connection with which an impression is taken, shall be entered by the Registering Officer. in the case of an attested power-of-attorney the number assigned to the power attested and the date of execution or attestation shall be entered.

(iii) When an impression is not clear and a second or their impression is therefore taken the indistinct impression shall not be cancelled but shall be noted as first impression second impression and so on all the impressions being bracketed together.

(iv) When a person executes a document in different capacities, only one impression need be taken in the endorsement, though he affixes more than one signature to the endorsement on the document.

(v) When the same person is the executant of more than one document it is unnecessary to obtain a separate impression in the thumb impression register in respect of each such document registered on the same day. The numbers of all the documents shall be noted against the impression in the column for the purpose in the register.

(vi) In the case of a document executed by more than one person bearing the same name and surname (father's, mother's, karavan's or husband's name as the case may be) the age also shall be entered against the impression of each such executant in the register of thumb impressions.

(vii) The thumb impressions of persons other than executant shall be distinguished by the symbols 'IW' for identifying witness, 'ct' for claimant and so forth against the entry in the register of thumb impression.

75. Thumb impression shall be dispensed with the case of a person suffering from leprosy or contagious disease. In such cases a note shall be entered in the register of thumb impression explaining the circumstances under which it has not been obtained.

76. The signature of every person shall be taken next to his name in the register of thumb impressions. The Registering Officer himself shall in the case of a marksman write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression or signature is taken.

77. The Registering Officer shall add a certificate at the foot of each page of the thumb impression register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered against it. This certificate shall be signed and dated by the Registering Officer when the page is closed.

78. In the case of a Gosha woman who does not appear before a Registering Officer and whose examination in connection with the registration of a document or the attestation of a power of attorney is conducted in the office through a hammannee or female attendant, the finger impression shall be taken by the hammannee or female attendant who shall be clearly instructed as to the process. In this case the certificate mentioned in rule 77 should be altered as shown below:-

“Each impression on this page excepting that of..... which was taken by a hammannee/female attendant/under my instructions, has been affixed in my presence, etc.”

79. When impressions appearing on the same page in the Register have been obtained by more than one officer, the impression shall be serially numbered and each officer shall add a separate certificate at foot in the following form:-

impression I to V on this page have been affixed in my presence and under my supervision by the persons whose name are entered against them.

Date.
Officer

Signature of the Registering

80. If a person whose impression is taken bears personal marks of identity such as natural deformities or other permanent peculiarities which desirable to keep a record of them as additional marks of identity a brief note shall be made by him below the party's signature in the thumb impression register.
81. The Registering Officer shall not take with him the register of thumb impression when attending at a private residence, but thumb impressions at such residences shall be obtained on separate impression slips in the prescribed form and one portion of the slip shall be pasted, with the initials and date of the Registering Officer added to them, in the appropriate cage in the thumb impression register. The other portion of the slip containing the impression shall be forwarded to the Registrar along with the report of attendance at private residence which is finally lodged in the Registrar's Office. The slips shall contain a certificate in the following form.

"The impression on this slip or each impression on this slip was affixed in my presence and under my personal supervision by the person whose name is entered against it"

In the case of a Gosha lady who does not appear before the Registering Officer, the word's "taken under my instructions form" shall be substituted for the words "affixed in my presence and under my personal supervision by" in this certificate.

82. The thumb impression taken for office record by a Commissioner shall be on separate slips and shall be forwarded to the Registering Officer who issued the commission along with the Commissioner's report.

CHAPTER XIII

SECTIONS 36, 37, 38 AND 39 OF THE ACT

Enforcement of Appearance of Executants and Witnesses

83. All Registrars and Sub-Registrars may themselves issue processes in compliance with requisitions for summonses made to them. Any person requiring a summons to be issued shall deposit the process fee payable in such cases as well as the amount of expenses to be paid to the person summoned.

84.

(1) When a will or an authority to adopt is presented for registration after the death of the testator or the donor, the Registering Officer shall after the death of the testator or the donor, the Registering Officer shall after endorsing thereon the date, hour and place of presentation, the fee realized and after obtaining the signature of the presenting party fix a day of the enquiry contemplated by section 41 (2) of the Act and shall cause notice of the enquiry (a) to be served on the persons to whom in his opinion special notice should be given, (b) to be pasted in a conspicuous part (i) of the registration office, (ii) of the villages where the testator or donor lived, where interested parties may reside and where the property of the deceased is situated and (c) to be published in the Government Gazette.

(2) The cost of the service of the notice and of its publication shall be levied in advance from the person who presents the document for registration. The cost of publication in the Gazette shall be remitted into the treasury by the presentant.

85. If a person presenting a will or an authority to adopt, or a person who objects to the registration of such a document on the ground that it was not executed by the testator or donor or that the testator or donor is not dear or that the [erson presenting the document is not entitled to present the same under section 40 of the Act, desires that witnesses should be summoned, the request shall be complied with and the procedure prescribed in Chapter XII shall be followed.

86. (i) As each person is examined his signature and thumb impression, when necessary, shall be obtained on the document below the endorsement of presentation in the following form:-

The witnesses whose signatures are affixed below have been examined under sub-section (2) of section 41 of the Registration Act 1908, in reference of the document:-

E.F. with addition

G.H. do

I.J. do

27th January 1958

Signature of the Registering Officer

K.L. with addition

M.N. do

O.P. do

28th January 1958

Signature of the Registering Officer

Q.R. with addition

S.T. do

30th January 1958

Signature of the Registering Officer

(ii) If, after the conclusion of the examination of the witnesses, the Registering Officer should decide to register the document, an endorsement in the following form shall be made on it and its registration shall be complete:-

I am satisfied from the evidence of the witnesses whose signature appear above:-

- (a) that the will (or authority to adopt) was executed by the testator or donor,
- (b) that the testator (or donor) is dead
- (c) that the person presenting the will (or authority to adopt) is entitled to present the same.

Date

Signature of the Registering Officer

(iii) Should the Registering Officer decide to refuse registration, the usual endorsement of refusal shall be entered on the document.

87.

(i) A Registering Officer when enquiring under section 41 (2) into the execution of a will or of an authority to adopt shall invariably before registering the document or refusing registration prepare and place on record a memorandum in the language in which the document is written or in which a translation thereof is presented, containing a summary of the evidence and reasons for registration or refusal as the case may be. A copy of any such memorandum prepare by a Sub-Registrar shall be submitted to the Registrar forthwith.

(ii) When a will or an authority to adopt is refused registration the refusal order to be entered in Book 2 shall be a reproduction of the memorandum.

88. A will or an authority to adopt presented for registration after the death of the testator or donor may be returned to the presentant unregistered, if he so desires unless it appears that the document is forged.

89. A revocation or cancellation of a will or of an authority to adopt shall be treated as document of testamentary character and shall be registered in Book No.3

90.

(i) Wills registered or refused registration in a Sub-Registry Office which remain unclaimed for a period of over two years shall be forwarded to the Registrar's Office for safe custody a note to that effect being entered against the original entry in the office returns.

(ii) If the person entitled to claim the return of a will applies to a Sub-Registrar, for its return after the document has been transmitted to the Registrar's Office he should be advised

to obtain from the registrar direct. If he is unwilling to do so, the will should be obtained from the Registrar by the Sub-Registrar and returned to the person and a note of its receipt from the Registrar's Office and return to the person shall be entered in the office returns.

CHAPTER XIV

SECTIONS 42 TO 46 OF THE ACT

Sealed Covers containing Wills

91. (i) Every entry made under section 43 of the Act in Book 5 shall be dated and signed by the Registrar.
- (ii) When a sealed cover is withdrawn under section 44 of the Act, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.
92. When a will executed by two persons jointly is deposited under section 42 of the Act by both of them in a sealed cover, a request by one of the testators for the withdrawal of the sealed cover after the death of the other testator shall not be complied with. The Registrar may however, after procuring satisfactory evidence as to the fact of the death, require the applicant to present an application under section 45 of the Act for the opening of the cover and the copying, at the applicant's expense, of the will in Book 3. He may then grant the applicant a copy of the will, if the applicant so desires.
93. (i) Wills sent by post a Registering Officer are not presented for registration or deposited, within the meaning of the Act, and sections 42 to 46 are therefore inapplicable to them.
- (ii) If a cover purporting to contain a will reaches a Register by post, he shall return it unopened. Should the cover however be retained in the office because the address of the person to whom it should be returned is unknown, the Registrar shall record upon the cover the date of receipt and the fact that it was received by post and that it has not been secured under the Act as the terms thereof have not been complied with.
- (iii) A will so received shall not be delivered to any applicant unless the Registrar is satisfied that such applicant is duly authorized to receive it, nor shall the cover be opened on an application under section 45, as it has not been deposited according to the provision of section 42.
- (iv) A cover purporting to contain a will which may reach a sub-registrar by post shall be returned to the sender, or if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under clause (ii) of this rule.

(v) A register shall be maintained in each Registrar's Office showing the sealed covers received, withdrawn and opened from time to time. In it shall also be entered Wills received, by post by the Registrar and retained in the office under clause (ii), wills forwarded by sub-registrars under sub-rule (iv) and under rule 90 (1) and wills registered or refused registration in the Registrar's Office and lying unclaimed for over two years.

(vi) An office assuming charge of a Registrar's Office either permanently or temporarily, shall compare the sealed covers and Wills with the entries in Book 5 and in the register prescribed in sub-rule (v) and shall report to the Inspector-General whether they are correct and whether the covers are preserved property.

(vii) The Registrar shall at the time of deposit of a will, ascertain from the presentant of the sealed cover, the language in which the will contained in the cover has been drawn up; and if the will be in a language which is not commonly used in the District, the presentant shall be advised to enclose, along with the will a true translation into a language commonly used in the District. The language in which the will has been drawn up shall also be superscribed over the cover.

(viii) If the cover containing a Will is not sealed or is not superscribed with the name of the testator, and that of his agent if any, and the nature of the document, as required by section 42, it may be returned for the omission being rectified.

94. (i) When a sealed cover containing a Will is opened under section 45 of the Act, the following endorsement shall be made on the Will:-

Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of (signature and addition) this day of 19

Signature of Registrar

This will has been copied in Book 3 as No..... 19..... Volume pages.

Date

Seal

Signature of Registrar

95. When a Will is forwarded to a court it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying in view to these being collected by the court and remitted to the Registrar. An acknowledgement of the receipt by the court of the cover or Will shall also be obtained and filed in the office.

96. When a citation is issued by a court to produce or forward a will deposited with the Registrar under section 43, it shall be sent through a clerk in a sealed cover or when this is not practicable by registered post, acknowledgement due.
97. When a sealed cover containing a Will is opened, the cover which contains the depositor's superscriptions and the Registrar's endorsement shall be preserved carefully or a record maintained as to its disposal.

CHAPTER XV

SECTIONS 52, 58, 59 AND 60 OF THE ACT

Endorsement and Certificate

98. (i) The endorsement prescribed by sections 52 and 58 of the Act and the certificate prescribed by section 60 shall be written by the Registering officer himself in the form prescribed in Appendix V or as near thereto as circumstances permit unless authorized by the Inspector-General of Registration to use and endorsement stamp.
- (ii) The presentants, executants and the witnesses may be required to write their names and additions themselves in the endorsements made on documents, when they are able to do so.
- (iii) The names and addition of a party who is required to sign in the endorsements but who is not able to do so shall be written by the Registering Officer himself. Where the addition is entered by the party himself [sub-rule (ii)] the registering Officer shall satisfy himself that the edition as entered is complete and that it corresponds with the details given in the document or statement made by the party.
- (iv) The endorsement stamps referred to in clause (i) shall be retained in the personal custody of the Registering Officer and when not in use shall be kept in a sealed bag. The impressions on document shall be made, the endorsement and certificates shall be signed, and the blank space therein filled in by the Registering Officer in his own hand.
99. An executing party shall be required to use the same language in signing the endorsements as he has used in signing the instrument.
100. The Registering Officer shall ordinarily write the endorsements on documents in the language in which it is written or a translation thereof is presented.
101. If there is not sufficient blank space in the instrument for the endorsement and certificate they may be entered on a separate slip of sheet of paper which shall be attached to the document, and a note of the fact shall be made on the document itself and signed by the

Registering Officer. A note shall also be made on the sheet of paper so attached, so as to indicate clearly, the document of which the sheet forms a part and this note shall be signed by the Registering Officer.

“A note shall also be made on the sheet of paper so attached so as to indicate clearly the document of which the sheet forms part and this note shall be signed by the Registering Officer.”

102. When a document occupies more than one sheet of paper, the number of the document of which the sheet forms a part, the total number of sheets which the document consists of the number of the sheet, and the signature of the Registering Officer, shall be endorsed on all the sheets when the document is admitted to registration, and the seal (and date of registration) affixed to the endorsements when furnishing the registration certificates. (G.O. Rt. 883/Rev. dated 29th July 1959)

103. The entry ‘identified by’ shall be made by the Registering Officer above the signature of witnesses examined for purposes of identification and the entry “witnesses examined” above the signature of witnesses who are examined for any other purposes, When an executant is a Gosha lady and is examined through a hammamanee or female attendant a special form of endorsement as shown below shall be made by the Registering Officer and the signature of the hammamanee or female attendant shall be obtained on the document as a witness after the Registering Office has recorded a brief deposition from her with reference to the duty she has performed.

“Identified by inspection behind the purdah, by A.B. (Signature with addition) who is her (relationship to be stated) and by C.D. Signature with addition.....”

104. When a document is executed a document both for himself and as agent or guardian of a minor, an idiot, or a lunatic, the registration endorsement shall contain two distinct signatures, one for admission of execution by the person himself and the other for admission as agent or guardian.

105. (i) When a person executes a document both for himself and as agent or guardian of a minor, an idiot, or a lunatic, the registration endorsement shall contain two distinct signatures, one for admission of execution by the person himself and the other for admission as agent or guardian.

(ii) When there are more persons or admits execution of a document are made by an agent under a power-of-attorney reference to the authority under which the agent acts shall be given in the endorsement of admission of execution, the fact that the presenting party is an agent being entered after his signature below the endorsement of presentation.

(iii) The endorsement of presentation made on a document under section 88 (2) and rule 29 (ii) shall mention the number and date of the covering letter with which it is presented and the designation of the Government Officer or other person concerned.

After the presentation endorsement is made the Registering Officer shall endorse on the document that he is satisfied that the document is executed by the Officer mentioned therein, after referring to the officer concerned [if necessary under section 88 (3)].

107. (i) When the amount of consideration mentioned in a document presented for registration is paid before the registering officer the signature of the payer and of the payee shall be obtained below the endorsement of payment.

(ii) When the consideration is paid before the Registering Officer in currency notes and any party to the transaction desires that the numbers of the notes shall be noted in the endorsement, the request shall be complied with.

(iii) When money is paid on behalf of the claimant by his agent, messenger or servant, the words "behalf of the claimant" with the name of the claimant shall be added after the name of the payer the endorsement.

(iv) If any person admits execution of a document presented for registration, but denies the receipt in whole or in part of the consideration recited therein, registration shall not be refused because of such denial, but a note of the denial shall be made in the endorsement under section 58.

108. The certificate of registration shall be added by the Registering Officer only after the document has been copied and indexed and the entry compared.

109. (i) In the case of a document presented for registration in duplicate or duplicates, the duplicate or duplicates shall be examined with the original and shall bear the following additional endorsement:-

Duplicate (or triplicate).

Difference between the original and the duplicate (or triplicate).

Interlineations, blanks, alterations and erasures in this.

Compared by Reader.

Examiner.

Signature of Registering Officer

The number of copies registered with the original shall also be indicated on the original in the following form, namely:-

“Number of copies registered with his original”

“Signature, Name and Designation of the Registering Officer”

(ii) In entering notes of interlineations, blanks, alterations, and erasures on the duplicate or duplicates, the particular letter or word or figure interlined, altered or erased shall be specified. eg., in line 12, 10 the word ‘money’ erased and so on.

When an erased letter or word cannot be deciphered, the note shall run as follows “A word occurring after the in line 5 erased”

(iii) Each duplicate of a document presented for registration shall bear the same endorsement as the original document and the same registration number. The certificate of registration on the original and on the duplicate or duplicates shall mention all the pages of the volume occupied by the entries which relate to the original and the duplicates.

110. A document which is partially registered as regards some of its executants and refused as regards others shall have two distinct endorsements, the one of admission signed by such of the executants as admit execution, and the other of refusal, being written below the seal and signature affixed to the certificate of partial registration and signed and dated by the registering officer.

111. The signature of witnesses examined in the course of an enquiry before a registrar under section 74, whether in reference to an appeal case or as regards a document the execution of which has been denied before him, need not be endorsed on the document in respect of which the enquiry is made.

112. When a document is registered by a Registrar after enquiry under section 74, the following note shall be endorsed on it, in lieu of the endorsement of admission of execution.

I am convinced from the evidence adduced in the inquiry held under section 74 of the Registration Act that the document was executed by A.B.

Date Signature of Registrar

113. An endorsement made on a document represented for registration under an order of a Registrar or a Court shall quote the number and date of the order under which it is represented.

CHAPTER XVI

SECTIONS 52 AND 61 OF THE ACT

Receipts for Documents and for fees and Return of Documents

114. (i) A receipt shall be granted for each document presented for registration, for each power-of-attorney presented for authentication and for each sealed cove of deposited and for every fee or fine levied by a Registering Officer.
- (ii) An application for transfer of revenue registry presented with a document shall be acknowledged in the receipt for the document.
- (iii) When the fees consist of several items, each item shall be separately entered in the receipt so as to admit of any overcharge being traced. In the case of copying fees the number of sheets or words for which fee was levied and in the case of mileage, the number of miles, shall be entered.
- (iv) The requisite entries shall be made and signed in duplicate receipt with copying pencil using double faced carbon paper and the duplicate given to the party concerned.
- (v) No Registering Officer shall in any case issued copies or duplicates of receipts in lieu of those alleged to be lost or missing. In such cases, he, may grant a certificate stating that he finds from the accounts or records that a certain sum has been received from a certain party on a certain account.
115. The receipt for a document shall be handed over to the person presenting the document or to his nominee, after obtaining in the counterfoil the signature of the presentant to the endorsement of nomination, and also the signature of the nominee, for the purpose of comparison when the nominee appears to take back the document.
116. (i) If a document is ready for transcription on the day of its presentation, the day and the hour when it will be ready for return shall be endorsed on the receipt. In the case of a document returned pending an enquiry or a reference, the day and hour of return shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If however, in the later case the receipt is produced on the day when the document is ready for transcription and the document cannot be returned on that day, the information may be endorsed on the receipt itself.
- (ii) When a document is not ready for return of the date entered on the receipt or in the notice, the entry of that day shall if the receipt or notice is produced before the Registering Officer be cancelled and the probable later date on which the document will be ready shall be entered under the initials of Registering Officer.
- (iii) Corresponding entries and corrections shall be made in the counterfoil.
117. A document shall, if possible, be returned on the date of its admission to registration.

118. In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the Registering Officer shall thereupon obtain his signature to the acknowledgement in the counterfoil and return both the document and the receipt after endorsing on the latter the date of its return and initialing this entry. A person entitled to claim back a document who is known to the Registering Officer may obtain the return of a document by sending the receipt to the Registering Officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The document may then be handed over to the messenger after his acknowledgement and thumb impression have been taken in the counterfoil of the receipt, the receipt being retained in the office and pasted to the counterfoil.
119. (i) In the event of a receipt being lost the person who should have produced it may receive the document on making and signed on the counterfoil of a declaration of the loss and, if required by the Registering Officer, affixing his thumb impression thereto.
- (ii) In the event of the presentant of a document dying before taking back the document, the representative or representatives of the deceased may receive the same on producing the receipt and a certificate of heirship from the village officer of the village in which the deceased lived. If the receipt is lost, the representative or representatives may receive the document on making and signing a declaration as prescribed in sub-rule (i)
120. (i) When a nominee fails to take back a document within seven days from the date noted on the receipt as that on which it will be ready for delivery, the nomination may be revoked by the person by whom it was made by an entry signed by him to that effect in the counterfoil.
- (ii) In the event of a nominee dying before taking back the document and before the nomination is revoked as mentioned in sub-rule (1), the Registrar may, in his discretion, order the document being returned either to the presentant or to the representative or representatives of the deceased person.
121. When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail, unless such party can satisfy the Registering Officer that he has applied to a competent court for an injunction to restrain the Registering Office from returning the document.
122. When an impounded document is received back from the Collector after adjudication of stamp duty, the Registering Officer shall immediately give notice in writing to the presentant or to the person authorized by the presentant to take delivery of the document either to take steps to complete the registration of the document or to take delivery of the document.

123. When proceeding to attend at a private residence, the receipt book shall not be taken by the Registering Officer. For the fee realized from the party the Registering Officer shall draw up a provisional receipt in duplicate by carbon process in the form prescribed by the Inspector General of Registration and the carbon copy thereof shall be issued to the party. The original of the receipt shall be retained and kept serially numbered by the Registering Officer, in separate bundles for each year. In such cases, nomination to take back the document, if any, shall be obtained in a separate slip which shall be initialed and dated by the Registering Officer. On returning to office, regular fee receipts shall be drawn up in the usual manner and the nomination slip if any obtained shall be pasted on the back of the regular receipt to be retained as office copy. When the party or nominee comes to take delivery of the document, the regular receipt shall be handed over to him, after obtaining the provisional receipt originally issued at the residence, which shall also be pasted along with the office copy of the concerned regular fee receipt.
124. These rules do not contemplate the return of a document by post, but a document may be so returned if the presentant or his nominee desires this course to be followed, and at his own risk, and at his expense, subject to the conditions mentioned below
- (i) The present or his nominee shall sign an endorsement on the counterfoil of the receipt authorizing the return of the document or documents by registered post to an address to be specified and shall deposit therefore the actual cost of postage, the postal registration fee, and the fee for obtaining the acknowledgement of the addressee.
 - (ii) When a person presenting two or more documents for registration at the same time desires that they should be returned by post to the same address, the actual cost of postage, registration and acknowledgement charges, etc, shall be deposited and separate deposits shall not be deposited and separate deposits shall not be required in respect of each document.
 - (iii) The amount paid shall be included in the receipt granted to the party.
 - (iv) When registration has been completed, the Registering Officer shall dispatch the document or documents in a sealed cover under registered postage to the address specified and shall not note the fact on the counterfoil of the receipt.
 - (v) The acknowledgement of the addressee shall be pasted to the counterfoil.

CHAPTER XVII

SECTION 52 OF THE ACT

Register books

125. The registers shall be maintained in accordance with such instruction as the Inspector-General of Registration may from time to time prescribe, provided that no erasure or alteration shall be permitted and that every page shall contain a uniform number of lines.
126. Every entry of a registered document shall be an exact copy of the original. If any abbreviation is used in the original it shall be reproduced in the copy, if a word in the original is miss-spelt, or if a word is repeated by mistake, or if some word necessary to complete the sense is omitted no attempt shall be made to correct the error, or delete the repetition or supply the omission. The entries shall be made neatly and legibly.
127. When a document is presented for registration in duplicated or duplicates, it shall not be necessary to enter the document more than once in the register book.
127. A (i) With the previous section of the inspector general a special volume of register book I or Book 4 in the form of a file-book with numbered butts may be opened in any office for the registration of documents of a temporary character and leases, whatever be their term, which are prepared on forms printed on such paper and in such form as may be approved by the Inspector-General of Registration.
- (ii) The copy of each document shall be made by the registering staff by filling in the blanks in a spare copy of the printed form and on this spare copy the endorsement and the certificate of registration entered on the original document shall be copied and the prescribed footnotes shall be added.
- (iii) The copy thus prepared shall be duly examined in the manner in which copies made by hand in the ordinary register books are required to be examined and shall be filed in the file books mentioned in clause (i) When a map or plan is attached to a document a copy of the map or plan shall be filed in the same file as the document.
- (iv) After it has been so filed, the Registering Officer shall authenticate the copy by his signature with date and shall also affix to it the seal of his office, He shall write his signature and affix the seal in such a manner that the signature and the impression of the seal shall appear party upon the butt and party on the sheet pasted thereto.
- (v) When a copy consist of more than one sheet, each sheet shall be pasted to a separate butt and the Registering Officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature, with date and seal of his office to such endorsement in the manner laid down in clause (iv), the seal being dispensed with the case of the sheet on which the authentication seal has already been affixed.
- (vi) Documents registerable in Book 1 and Book 4 shall be filed in separate file books.

(vii) Each file book shall be assigned a serial number in the series assigned to ordinary volumes of register book.

(viii) Every document accepted for registration under clause (i) shall be numbered in the same series as documents copied in the ordinary register books.

(ix) When a document is registered under this rule a note of its registration in the file book shall be entered in the register book in which it would otherwise have been registered thus No..... filed in the file books, volume.....

(x) The file books shall be kept in the personal custody of the Registering Officer until they are completely filled when they shall be placed among other completed volumes of register books.

128.

(1) Notes of interlineations, erasures, alteration or blanks in documents shall be so entered in the register as to show precisely what word or words have been interlined or altered and the places, in which erasures or blanks occur in the original. In the majority of cases the simplest plan is to underscore the particular word or words interlined or altered or put a dash at the place where the erasure or blank occurs and write the letters, 'a', 'b', 'c', 'd', above with corresponding foot-notes.

When as interlineations or scoring extends beyond one line the entire interlineations or scoring shall be denoted by a single figure which shall be repeated on each line over the middle of the interlined or scored portion.

(iii) The following are specimen forms of foot-note:-

1.	In document and register, interlineations etc.	Nil
2.	In document (a) Interlineations	2
	(b) Erasures	1
	In register Interlineations	(1) (2) and (4)
	Scoring	(3) and (5)
3.	In document (a) Interlineations	3
	(b) Sic	2
	(c) Erasures	3
	In register Interlineations etc.	Nil
4.	In document (a) Interlineation	1

(b) Erasures 3

(c) Sic 1

In register Interlineations (1) (2) and (4)

Scoring (3)

(iv) A note in respect of blank in the original of a document is necessary only when a space is left in the body of the document for the insertion of words or figures which for some reason are left unfilled by the person executing the document. Notes are not required where a space intervenes between one paragraph and another of a document or between the last word of a document and the executants' signature or when there are blanks in a schedule.

129. (i) The stamp vendors' endorsement and any certificate relating to the stamp shall be copied at the end of the entry of the document in continuation of the signatures of the end of the executants and witnesses and the value of the stamp (stamp-papers and labels), shall then follow in words. After the close of the entry so made a line shall be drawn to the end of the column so as to prevent any addition being made.

(ii) When a document is engrossed on two or more stamps the entry regarding the value of stamps shall show the number of stamps and their total value thus- "Two stamps Rs....."

(iii) When no stamp is used on a document the entry shall be: stamp-nil.

130. In the case of a document impounded, after registration, for adjudication of stamp duty, the certificate of stamp added by the District Collector shall, before the document is returned to the party, be copied as foot-note below the entry in the register thus_

This document was impounded, after registration, for adjudication of stamp duty and the Collector has certified on it thus (here enter certificate with date) The entry shall be signed and dated by the Registering Officer.

131. (i) Any portion of the column allotted for the endorsement and certificate which is likely to remain unoccupied after they have been copied shall be utilized for the entry of the document.

(ii) Similarly any occupied portion of the column allotted for the copy of the document may be utilized for the endorsement and certificate. In the later case when the stamp entry closes at the end of a line the whole of the next line shall be ruled across so that it may be seen at a glance where the copy of the document ends.

(iii) If page of a register book is not fully occupied by the entry of a document, the entry of the next document shall be commenced on the same page after leaving a space of four lines after the last entry of the previous document, for writing subsequent foot-notes if any, such as notes regarding rectification or cancellation or destruction of a document which has to be entered subsequent to the authentication of the entry by the registering officer. If the space thus provided is found insufficient for entering such subsequent notes, the notes shall be entered on the title page or fly leaf.

(iv) The entries of two documents on the same page should be separated by a thick line ruled across the register immediately above the line in which the number of the second document is to be written.

132. If a document is printed or engrossed both in English and in a local language, the English text alone or the local language alone whichever has been filled up, shall be treated as the document to be registered and transcribed in the register, the other portion being left out of account. If however the blanks are filled up in both the texts as forming the entire document and desire that both shall be registered, both the English and local language portions shall be transcribed in the register.

133. (i) After a document, the endorsement thereon the certificate have been transcribed in the register the correctness of the copy shall be ensured by causing the original to be read aloud by some officer other than the copyist while the entry in the register is followed ordinarily by the Head Clerk or in his absence the senior clerk present.

(ii) The Registering Officer shall examine a certain percentage of the entries in order to satisfy himself that documents are reproduced accurately and faithfully.

(iii) After completion of the examination referred to in sub-rule (i) the foot-notes of interlineations etc, and the notes regarding duplicates shall be entered in the register. The copyist and the examiner shall after satisfying themselves as to the correctness of these foot-note, sign below them thus:-

Copied by A.B. Clerk (Signature)

CD (Reader) (do)

Compared by D.F. (Examiner) (do)

134. The Registering Officer shall then initial at both ends of each Interlineation or scoring in the register and when the interlineations or scoring extends beyond one line, at the beginning and end of the scored or interlined portion in each line, (affixing his initials to the foot-notes referred to above) and authenticate the entry by fixing his signature legibly at the foot of the

entry on the last page and by initialing at the foot of every other page occupied by the document. The authentication shall be made immediately a document has been copied compared and indexed.

135. No document shall be returned to a party before the entry of in the register has been authenticated by the Registering Officer.
136. Each volume of a register book shall continue in use until all the pages are filled up. When for a special reason a volume of a register book is closed on a page other than the last page, a certificate to that effect shall be appended at the foot of the last entry and a certificate specifying the number of pages which have been utilized shall be entered on the title page each signed and dated by the Registering Officer. If a page is left blank by oversight in any part of a volume, a certificate stating that the omission if accidental shall be entered on such page after obtaining the approval of the Register. The order of the Register should be quoted in the certificate. Additional pages shall not on any account be inserted in a volume.
137. (i) When an instrument is executed in the form of an endorsement written across or at the foot or back of any instrument previously registered in the same office or in any other office which has since been abolished and whose record are kept in the first mentioned office, eg. The transfer of an interest, a receipt or discharge acknowledging consideration money or any payment secured by the registered instrument, such endorsement shall, when presented for registration be numbered and registered as a separate instrument and a note in the following form shall be entered in the register.

Note:- “Written across (or at foot or on the back of) document

No..... of 19..... Book.....volume..... Page.....”

(ii) If the endorsement has been made on an instrument previously registered in another office or on an unregistered instrument the entire instrument as well as the endorsement shall be copied in the register and a note shall be entered both on the document and in the register, below the certificate of registration and above the of the Registering Officer to the effect that the endorsement alone has been now registered.

138. (a) On the registration of a document which revokes or cancels, or rectifies an error in, or modifies the terms of a document previously registered in the same class of register book or of a return of lands acquired under the Land Acquisition Act for the time being in force or of a document received and filed under section 89 of the Act, or on the receipt of a communication from a Revenue Officer or from a court which intimates a similar revocation,

cancellation, rectification or modification, a note shall be entered at foot of the entry of the latter document or communication as under:-

“The document communication revokes (cancels, rectified or modifies document No..... of 19..... Copied/the document filed/the return filed at pages volume..... of Book/File Book 1”, and at foot of the previous entry or of the document previously registered or filed a note shall be entered as shown below)”

This document/return/has been revoked (cancelled, rectified or modified) by document No..... of 19..... copied/the document filed/return filed at pages..... Volume..... of Book/File Book/File Book 1

(b) When the revocation, cancellation, rectification or modification is of a document relating to immovable property a corresponding note shall also be entered in index No II and when it relates to the rectification of any particular entry in index I, II, III or IV a note of rectification shall also be entered in the respective index against the particular item rectified.

139. If a registered document is declared by a court to be a forgery or to have been registered under an admission made by a person who falsely personated the executant a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.
140. In all cases of re-registration the document shall be copied in the register in extensor and a number shall be assigned to it precisely as if it has not been already registered.

CHAPTER XVIII

SECTION 54 TO 56 OF THE ACT

Indexes

141. Indexes Nos. I, II, III and IV shall be prepared on loose sheets lettered alphabetically and shall contain the particulars shown in Appendix VI a fresh set of sheets being used for each calendar year. They shall be prepared in Malayalam.

Note – Notwithstanding anything contained in the rule, the indexes of documents registered in the sub registry offices of Kasaragod and Manjeswar shall be prepared both in Malayalam and Canarese.

142. The name of all persons executing and claiming under documents shall be entered in full whenever possible. If a person is known under two names each shall be indexed separately. The name of the executants who admitted execution shall alone be indexed.

143. The names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column. In indentures, deeds of partition and similar instruments, the fact that the party claiming under the document is also an executing party shall be indicated by writing the name across both these columns;

Index Nox. 1, III and IV

- 144.
- (i) All names of persons shall be indexed with reference to the initial letter of the surname or of the house name where such name exists. Where the house name does not exist the indexing shall be regulated by the initial letter of the person's name, followed in case of a Hindu, by the village name or any other distinguishing name which he bears and in the case of a Muslim by the prefix, if any such as Sayed, Mr. Shaik, Ghulam or affixes such as Beg, Khan Shereef. If a woman bears the house name of her husband or father the indexing shall be with reference to the initial letter of the house name, otherwise to the initial letter of her own name.
 - (ii) All documents executed by or in favour of the Government, shall be indexed together under word Government, one or more sheets being set apart for such entries in the sheets under the letter"
 - (iii) The name of a company, bank or society shall be entered under the initial letter of the first word of the name omitting the e.g. The land Mortgage Bank of India unde L
 - (iv) English names shall be indexed as they would be written in local language eg., 'Wilson' under 'v' 'Wright' under "R" 'Knox' under "N"
 - (v) In the case of a document registered after the death of the executant on the admission of his representative the name of the executant alone shall be indexed, but the fact that the admission of execution was made after the death by his representatives shall be shown in the column 'Addition'
 - (vi) In the case of a document executed by or in favour of an agent on behalf of a principal or by or in favour of, a guardian on behalf of a minor, an idiot or a lunatic, the name of the principal or minor, etc, as well as that of the agent or guardian shall be indexed.
 - (vii) When a person executes a document both for himself and as representative of some other person his name shall be entered twice, one as executing for himself and again as the representative of the other person.
 - (viii) In the case of document executed by or on behalf of the Government, a Company, Bank, Society, etc, the name of the person acting on behalf of the Government, Company etc., shall be entered in the column "Addition". If a document executed in favour of

Government, Company, etc., is presented for registration on behalf of the Government or Company, etc., the name of the person presenting it shall be entered in the column "Addition".

(ix) In the case of indentures, deeds of partition and similar documents, the fact that the party claiming under the document is also an executing party, shall be indicated by writing the name across both the columns "Executants" and "Claimants".

(x) When the name of a guardian of a minor, idiot or lunatic is indexed, the word "guardian" shall be entered in brackets after the name, and the name of the person of whom he is the guardian shall be entered in the column "Addition". Similarly when indexing the name of a minor etc., the word "minor" etc, with the name of the guardian shall be entered in the column "Addition".

Index No. 11

145. (i) In index No II one or more separate sheets shall be assigned to each revenue village.
- (ii) Where property to which document relates is situated in several village in the same or same or different sub district the entry in column "Village" shall contain a reference to the other villages and sub-districts, if any.
- (iii) The name of the sub-district to which a village belongs shall be added only when the village is not included in the jurisdiction of the sub-office in which the indexing takes place.
- (iv) Where the number of villages affected by a document is large it will suffice to enter all the villages in detail in the entry relating to first village and to note-only the number of additional villages in the indexes relating to the other villages, e.g., "Muttathara and 20 villages noted against Vandhiyoor".
- (v) The description of property and its boundary shall as far as possible be completely incorporated with a view to facilitating the identification of the property in tracing encumbrances and references to registered documents.

146. The column, 'Nature and value of transaction' shall also contain:-

- (a) information regarding the movable property to which a document relates:-
- (b) the shares assigned to each party to a partition deed;
- (c) concise details in the case of a document such as a release maintaince deed or rectification deed; and
- (d) in the case of a mortgage the rate of interest if any and the term.

147. (1) When a loan order is received with security bound under sub-sections (1) and (3) of section 89 of the Act the order and the bond shall be indexed as separate documents although the property specified in both may be the same.
- (2) When a copy of the declaration or instrument whereby the Gehan or mortgage or hypothecation has been created or executed in favour of the Agricultural and Rural Development Banks or a primary bank is received under subsection (5) of section 10 of the Kerala State Co-operative Agricultural and Rural Development Bank's Act 1984, (20 of 1984) the same shall be indexed as separate documents after filing it in Book No. 1 specified under section 51 of the Indian Registration Act.
148. (i) In order to facilitate the tracing of previously registered documents connected with the same property the Registering Officer, shall, when a document is admitted to registration in Book I, endeavour, to ascertain from the party the number or date of the last registration affecting the property to which it relates, and registration can be traced either by the production of the registered instrument or by the number of date given by the party, a note of the previous registration with a reference to the register book, the volume, the page on which the party commenced to the number and the year of the document shall be entered in index Ii thus:-

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In such cases, no charge shall be made for tracing the previous registration by a reference to the record of the office.

(ii) Notes of previous registration, cancellation, rectification or revocation, shall be in red ink, in index No. II.

Subsidiary Index

149. The Registering Officers shall maintain a subsidiary index to index No. II in the form printed in Appendix VI, in order to show at a glance all transaction affecting each survey number of sub division.
150. As each document is registered the number and the year of the document shall be entered against the survey number, this: M. 125/57. The letter 'M' represent the word mortgage and the number represents the document No. 125 of 1957. Similarly the letter 'S' may be used to denote the word sale and 'L' for lease. 'M' may be used to denote transfer of mortgage, and 'L' to denote transfer and surrender of lease also. For all other kinds of documents no letter need be used. In the case of documents filed in Book I the number of the volume of the file book and the first of the pages in which such documents is filed shall take the p[lace of the

number of the document thus:- "F 15. P. 125/57" which means copy of 1957 filed in File Book. I Volume 15, Page 125.

151. (i) The subsidiary index relating to each village shall be continued in the same set of sheets from year to year and a fresh set of sheets shall not be opened except with the previous permission of Inspector-General. When however, a village has been resurveyed, a fresh set of sheets shall be opened based on the re-survey or revision survey number from the date of receipt by the Registering Officer of the list of new numbers.
- (ii) When a village is transferred from one sub district to another the subsidiary index of the village shall be retained in the old office and a fresh subsidiary index shall be opened in the new office.
- (iii) When a mistake in regard to a survey number is corrected by a subsequent rectification deed an asterisk shall be placed over the number of the original document entered against wrong survey number and the un-dermentioned note entered at the foot of the page:-

Rectified by A (number of rectification deed) of 19.....

Examination of indexes:-

152. (1) A register in the form given in Appendix IX shall be maintained in each Registration Office.
- Columns (1), (3) and (4) of the register shall be filled in, as soon as a document is admitted to registration. Entries in all the columns shall be made as soon as the described by the different headings take place.
- (ii) Whenever a change occurs in the charge of an office owing to the transfer of the Registering Officer or the officers proceeding on leave other than casual leave a certificate in the following form shall be endorsed by the outgoing officer in the Register below the index relating to the latest document registered during the tenure of his Office.
- "Certified that I have satisfied myself that all the documents registered or filed during the portion of the year (here enter year) for which I have been in charge have been duly indexed and the entire have been checked".
- (iii) a similar certificate shall also be endorsed at the close of each calendar year below the index entry relating to the last document of that year.
- (iv) (a) After the documents of the year have all been indexed and the indexes have been checked, the pages of indexes, I, II, III, and IV shall be arranged, the nominal indexes

alphabetically, and index II Village War and numbered in ink consecutively, and each page initialed at foot by the Registering Officer. A title page shall be prefixed to each of the these indexes showing the total number of pages in each and the pages covered by each letter of the alphabet or village.

(b) Index I and II of each office for each year shall be bound in separate volumes. If the index sheets of an office are too bulky to form a single volume of convenient size they shall be bound into two or more volumes each not exceeding 500 pages.

(c) The sheets of index III and index IV shall be filed, each in a separate file book, a general table of contents being prefixed to the file.

(d) Necessary entries relating to the sheets and volumes shall be made in the permanent record register.

153. An alphabetical index to the name of persons purporting to be executants of documents entered in Book 5 shall be maintained separately.

CHAPTER XIX

SECTION 57 OF THE ACT

SEARCHES

154. Every application to a Registering Officer for an inspection a search, or a copy shall be made in writing. The application shall be in the prescribed form. These applications need not be stamped.

155. An application for a search or of a copy of an entry in Books I to IV may also be received and complied with through the medium of post, the postage charges being borne by the applicant. In such cases special care shall be taken to ensure that the provisions of subsections (2) and (3) of section 57 are satisfied and the title of the applicant to have the copies shall be proved to the satisfaction of the registering officer. An applicant may if he so desires, authorize in the application the return of the copy or encumbrance deposit in cash the amount required to cover postage. The amount shall be included in the receipt granted to cover postage. The amount shall be included in the receipt granted to the party. The amount collected to cover postage shall be entered in the cash account and when the copy or certificate has been made ready the actual charges shall be credited to the proper account and the balance if any returned to the applicant. The application for the return of a copy or the certificate by post should be made at the time the application is presented. If however the applicant makes a request in writing to send the encumbrance certificate or/and certified copy

of an address specified by him by post “service unpaid” the request shall also be complied with.

156. An application for a search in respect of property situated in more sub-district than one or in a village which has been transferred from one sub-district to another may be presented to any of the sub-registry offices in which the property or any portion of it is situated or to which the village is or has been attached.

When such application is made it shall be accompanied by a deposit of money sufficient to cover the prescribed search fee. The Sub-Registrar to whom the application was made shall make the search in the records of his office and prepare the certificate. He shall send a copy of the application immediately after its admission to other Sub-Registrar or Sub-Registrars concerned. The latter shall after making the search finish the former with a delivered or transmitted to the party after refunding to or collecting from him any surplus or deficiency of the amount deposited. All the money collected under this rule shall be brought to account in the office of the Sub-Registrar to whom the application was made.

157. (i) An application for a search or for a copy of any entry contained in a book which has been transferred to the office of a Registrar may be made to such Registrar either direct or through the Sub-Registrar in whose office the entry was originally made.

(ii) When such application is made to a Sub-Registrar, it shall be accompanied by the requisite stamp and other papers and by a deposit of money sufficient to cover the prescribed search fee and the estimated cost of copying charges and the postage. The Sub-Registrar shall cause a search to be made in the indexes shall endorse on the application the number and the year of the document, the particulars of the volume and the page thereof containing the copy of the document and shall forward a copy of the application so endorsed with the stamp and other papers to the Registrar concerned. The latter shall cause the copy to be prepared and furnished to the Sub-Registrar with a bill for the copying charges. On receipt of the copy and the bill, the Sub-Registrar shall deliver or transmit the former to the party after refunding to, or collecting from, him, any surplus or deficiency on the amount deposited. Any money collected under this rule shall be brought to account in the office of the Sub-Registrar to whom the original application was made.

158. Government Officers of the Kerala State who may require to search the registers or to take copies of entries for bonafide public purposes shall be permitted to do so, without payment of any fee.

159. Fees for searches shall be payable in advance.

160. In complying with a requisition from a court which involve a search or the preparation of a copy of any document the Registering Officer shall forward to the court a memorandum of the fees payable on that account with a view to the amount being remitted by the court.
161. The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it read to him; but it shall not entitle him to take a copy of the entry. If a search proves fruitless the fee shall not be refunded, but the applicant may, if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.
162. A search fee shall not be levied for the grant of copy of a document:-
- (a) admitted to registration but not transcribed into the register,
 - (b) presented but not yet admitted to registration; or
 - (c) the registration of which has been refused.
163. Only one search fee shall be levied.
- (i) for making a search in respect of a single of a single document or respect of acts and encumbrances on one and the same property in two or more offices because of the transfer of a village from one sub-district to another,
 - (ii) for making a general search in respect of one and the same property in the records of an office which was once in existence, was abolished and then revived.
 - (iii) for making a search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, as the result of survey and settlement operations, the search has to be made in the indexes of more than one village.
164. When a search is made in respect of more than one entry or more than one document executed by, or in favour of one and the same individual, search fee shall be levied separately for each office in which the nominal indexes have to be searched.
165. (i) When an application for a search is presented and the requisite fees have been paid, the Registering Officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make the search, the name of the clerk deputed shall be noted on the application. As soon as the search is completed, the result or a reference to the certificate of encumbrance showing the result, shall be noted on the application by the clerk, and signed by him.

(ii) Whenever an entry found on a search is read out to an applicant, under rule 161 a note shall be made on the application to the effect that this has been and when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.

166. All inspections and searches of books and indexes shall take place in the presence of the Registering Officer.

167. A copy of an entry shall not be made from any book until the Registering Officer has scrutinized the entry generally.

Certificate of encumbrance

168. When an application is made for a search for encumbrances in respect of any immovable property or properties, belonging to a single individual or family or for a list of documents executed by, or in favour of a single individual or family, and the applicant desires that a certificate of encumbrances or a list of documents found in the course of such search should be furnished to him by the Registering Officer, the request shall be complied with. The certificate or list shall be in the form prescribed in Appendix VII.

169. In the case of searches for a list documents executed by, or in favour of a particular individual or family, the list shall show the number, date nature and value of the several documents found, as well as the names of the parties and the village in which property affected, if any, is situated; but no description of the properties affected by the documents should be given as in the case of encumbrance certificates on properties. The list shall not include particulars of documents registered in Register Books 3 and 4 unless the applicant is entitled to copies of the entries (Section 57 of the Act).

170. A certificate of encumbrance shall be in Malayalam. If the party requires the certificate to be prepared in English the request may be complied with.

171. A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.

172. In the case of a search made in the records of more than one office, the various certificates prepared in the different offices shall be granted to the party and not a consolidated certificate by the officer to whom the application was made in the first instance. An office who makes a search at the request of another shall therefore furnish a certificate in duplicate.

173. (i) Searches for certificates of encumbrances shall, as a rule, be made by two persons independently of each other, so that the results obtained by one may be compared and verified with those obtained by the other.

(ii) When a party himself makes the search he should be required to furnish a signed note of the results of the search and the results should be verified by a member of the office establishment.

174. A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificate shall be numbered consecutively in a separate series for each calendar year.

The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificated receive from other offices under the rule 172 shall be filed with the office copy of the encumbrance certificate concerned.

175. (i) For the purpose of fees, the determination of one and the same property shall be with reference to the ownership at the time of the application for a certificate of encumbrances, but the following may in each case be treated as one and the same property:-

(a) A single survey field owned by more than one person.

(b) A house owned jointly by more than one person.

(c) Land used for wet and dry cultivation situated in the same village and owned by one person or jointly by two or more persons whether the parcels are contiguous to one another or not and whether any buildings are situated on such lands or not.

(d) A field or garden and the house situated on it.

(e) Building or houses described as being situated within the same boundaries forming together one property.

Note:- (i) If different parts of survey field is owned absolutely (Jen-mam) by different persons such/survey field shall be treated as many properties as there are ownerships;

(ii) Single survey field mean each sub-division of survey field.

(iii) Joint ownership shall be distinguished from ownership of the same property by two or more individual with distinct interest, in the former case the property shall be treated as 'one and the same property' and the latter as "several properties". (Ins.4/27907/78 dated 10th March 1981 of I.G. Of Regn.)

PRODUCTION OF REGISTER BOOK IN COURT

176. When the requisition is received from a court or any officer in charge of Police station²⁷ for the production of a register book other than Book 3 or Book 4 or a register of Thumb

²⁷ Amendment by Notification Ni. Ins4-4439/81

/impressions, the Registering officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of Register Book 3 or the Register Book 4, or a Register of Thumb Impression, the book shall be forwarded in a sealed packet, through a clerk, with instructions to bring the packet to the office, unless the court or the officer in charge of a Police Station²⁸ considers its detention to be necessary. When register book itself is produced, a copy of the particulars document will be taken, and the court after examining and comparing the copy with the entry in the register book, certify it to be so and cause the copy alone to be filed and exhibited. The book shall be returned through the clerk without making any entries therein. When a copy is forwarded to the court it shall be sent in a sealed cover addressed by name to be officer presiding the court.

CHAPTER XX

SECTION 63 OF THE ACT

Record of substance of statements

177. Evidence required by a Registering Officer shall be taken by himself or by someone appointed under a commission.
178. The oath or affirmation to be made before a Registering Officer by a deponent shall at his option be in any of the following forms:-

A

“The evidence which I shall give shall be the truth, the whole truth, and nothing but the truth. So help me God”

B

“I” solemnly affirm in the presence of Almighty God that what I shall state shall be the truth, the whole truth and nothing but the truth”

C

“I affirm that what I shall state shall be the truth, the whole truth, and nothing but the truth”.

179. (i) When execution is admitted and the endorsement is signed by the party admitting execution, and when witnesses are examined merely with reference to the identification of

the parties appearing, the prescribed endorsement is itself a sufficient record. A record of the substance of the statements shall, however be made in the following cases:-

- (a) When execution is denied:
 - (b) When a person admitting execution refuses to sign the endorsement;
 - (c) When a person admits execution on protest or with reservation;
 - (d) When an enquiry is held as to the alleged death of a executing party;
 - (e) When an enquiry is held as to the right of a person to appear as the executor, administrator, or heir of a deceased person or as a guardian of an infant, or as the curator of an idiot or a lunatic.
 - (f) When any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic;
 - (g) When an explanation is taken regarding the cause of delay in the presentation of a document or in the appearance of parties.
 - (h) When the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement.
 - (i) When an enquiry is held under section 41 (2) of the Act in respect of a will or an authority to adopt presented for registration after the death of the testator or the donor, as the case may be;
 - (j) When an enquiry is held section 74 as to the fact of the execution of a document; and
 - (k) Generally in all cases in which a record may seem necessary.
- (ii) All such statements with the exception of those under (d) and (e) for purpose of section 35(1) (c) or section 41(2) and under (i) and (j) ,which shall be kept with the record of the enquiry ,shall be recorded in a book known as the “Deposition Book” maintained in each registration office.
- (iii) Each witness or party shall be examined separately . The deposition shall usually be recorded in the first person and when so recorded the signature of the person who makes it shall be obtained with an acknowledgement that the deposition has been read over or interpreted to him and that the deposition is correct. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct.

- (iv) At the head of each deposition the document to which it appertains together with the book, volume and year shall when practicable be noted.
- (v) The deposition book shall not be carried when a Registering office attends at a private residence. Any statements or depositions which a Registering Officer may find it necessary to take when attending at a private residence shall be recorded by him in a separate book and on his return to the office copied in the office deposition book. The copy may be made by a clerk and examined by another clerk and shall be authenticated by the Registering Officer with date. The separate book in which the depositions have been obtained; shall also be preserved with the deposition book.

CHAPTER XXI

SECTIONS 61 TO 67 OF THE ACT

Transmission of Memoranda and copies

180. Memoranda of registered documents required for transmission under the provisions of sections 64 to 77 of the Act shall be prepared in the form prescribed in Appendix VIII.
181. The copies or memoranda required shall be made in the office of original registration at the expense of party presenting the document for registration. They shall be forwarded with an intimation form which shall be returned receipted by the officer to whom it is addressed.
182. The copies and memoranda and translations received in a registration office shall not be given a document number in that office but shall be filed in the file book 1 or in the file of translations as the case may be and indexed with reference to the page of the volume in which they are filed.
183. When a document is registered in duplicate or duplicates no memorandum or copy is required to be forwarded under section 64 to 67 in respect of the duplicate or duplicates but the number of copies registered with the original shall be noted in the column headed "Number and year of the document" in the memorandum prepared from the original.
184. A memorandum of a registered document transmitted under sections 64 to 67 shall be prepared in Malayalam or English.
185. When a Registering Officer finds that a correction is necessary in a copy of a memorandum of a document forwarded by him to another Registering officer, he shall send an erratum to the latter, who shall file it in file book No. 1, carry out the correction and add a note on the

original explaining the circumstances under which the correction is made. A reference to the page and volume of the file book in which the erratum has been filed shall be entered on the original memorandum or copy and the indexes shall also be corrected accordingly.

186. When a document cancels or rectifies an error in a document previously registered in Book 3 or 4 in another office a memorandum shall be sent to that office without levying any fee. This memorandum shall be filed in the file of appeal orders and judgments in the office to which it is transmitted. This rule applies to a document registered in a Registrar's Office also. The memorandum need not be indexed in the receiving office. But the requisite notes should be written below the entry of the document which the memorandum relates.

CHAPTER XXII

SECTIONS 68 AND 69 OF THE ACT

Errors in registration

187. (I) In The event of a document being registered in a wrong register book, the registration shall stand but the Registrar will direct that the requisite particulars regarding the document should be entered in the appropriate place in the indexes relating to the proper book with a reference to the volume and page of the book in which the document has been copied.
- (ii) Corresponding notes shall also be entered in the entry in the wrong books as well as in the indexes relating thereto.
- (iii) In cases in which copies and memoranda under sections 64 to 67 had been forwarded at the time of registration in the wrong book and in cases in which the forwarding of such copies and memoranda become necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies and memoranda in the latter shall be forwarded free of cost.
188. (i) Where by inadvertence a document is registered in a wrong office, Registering Officer shall inform the executing and claiming parties of a fact and advise them to apply to the Registrar for a direction under section 68 for its registration afresh in the proper office.
- (ii) Where the proper office of registration is in a district other than that in which the officer of wrong registration is situated, the application shall refer to the orders of the Registrar.
- (iii) When a direction is so issued to a Sub-Registrar he shall register the document without the levy of any fee and in the endorsement of presentation shall refer to the orders of the Registrar.

(iv) The Registering Officer in whose office the document was originally registered shall in any case forward to the proper office, free of charge, a copy or a memorandum of the document in accordance with the procedure prescribed by sections 64 to 66 and the receiving officer shall file the copy or memorandum in his file book 1.

189. A Registering Officer will be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search or the grant of a copy of a document, or any other case.

Explanation The registration of deed not duly stamped under the provisions of the Stamp Act for the time being in force shall for the purpose of this rule be deemed to cause loss to Government to the extent of the deficit stamp.

CHAPTER XXIII

SECTIONS 71 AND 76 OF THE ACT

Refusal to Register

190. When registration is refused because the document has been presented in the wrong office or in an office to which due acceptance the document is left to the discretion of the Registering Officer, no order of refusal shall be entered in Book 2. In all other cases the reason for refusal shall be at once recorded in Book 2.

191. The reasons for refusal will usually come under one or more of the heads mentioned below; which should invariably be quoted as authority for refusal.

Section 19

I. That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the district, and that it is unaccompanied by a true translation and a true copy.

Section 20

II That it contains unattested interlineations, blanks, erasures, or alterations which in the opinion of the Registering Officer require to be attested.

Section 21 (1-3) and Section 22

III That the description of the property is insufficient to identify it.

Section 21 (4)

IV That the document is unaccompanied by a copy or copies of any map or plan which it contains.

Rule 42

V That the date of execution is not stated in the document or that the correct date is not ascertainable.

Sections 23, 24, 25, 26, 72, 75 and 77

VI That it is presented after the prescribed time.

Sections 32, 33, 40 and 43

VII That it is presented by a person who has no right to present it

Section 34

VIII That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

Note:- Prescribed time shall mean the time allowed for presentation under section 23, 24, 25 and 26 and not the delay of four months in appearance which may be condoned under the proviso to section 34, unless the presentant or the executing party concerned applies for extension of the period on proper grounds or takes action under section 36.

Section 34 and 43

IX That the Registering Officer is not satisfied as to the identity of a person appearing before them who alleges that he has executed the document.

Sections 34 and 40

X That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign or agent so to appear.

XI That execution is denied by any person purporting to be an executing party or by his agent.

Note:- When a Registering Officer is satisfied that an executant is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused, the non-appearances being treated as tantamount to denial of execution.

Section 35

XII That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:- When the executant of a document who is examined under a commission under section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic, registration may

be refused, and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

Section 35

XIII That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:- When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto, the persons interested being let to apply to the Registrar for an enquiry into the fact of execution.

Section 35 and 41

XIV That the alleged death of a person by whom the document purports to have been executed has not been proved.

Section 41

XV That the Registering Officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

Section 25, 34 and 80

XVI That the prescribed fee or fine has not been paid.

XVII That the full additions of all persons executing and of all persons claiming under the document are not given.

XVIII A Kanam demise or a renewal thereof shall be refused registration if it does not contain the following particulars;

- (i) The name if any, the description and the extent of each item of holding;
- (ii) The Government tax payable on each item,
- (iii) The renewal fee if any paid. If no renewal fee is paid the fact should be stated; and
- (iv) The settlement pattam, the settlement patta, michavaram, the jenmivaram and the jenmikaram in respect of the lad or each of the several parcels or land comprised in the holding.

192. When the executants of a document appear at different times, the order of registration or refusal shall be passed after all the executants have appeared and admitted or denied execution, as the case may be, unless the maximum time allowed for appearance by the Act has expired or unless the presentant applies for the return of the document unregistered, as regards the executant who failed to appear.

193. When a document is partially registered and partially refused registration, the refusal shall be endorsed after the document is registered.
194. If the Registering Officers are executants of documents or claimants under the same or in any way concerned in them, they shall not register such documents. If such document or documents fall within the category or documents mentioned in section 28 of the Act they may be registered in the office of the Registrar of the District, who will, as provided in the Table of Fees, register such documents without charging the usual extra fee under section 30 (1) of the Act. In other cases the Registrar may specially authorize the Head Clerk or in his absence the senior Clerk of the office as the case may be to register such document.

CHAPTER XXIV

SECTION 41 (2) AND 72 TO 76 OF THE ACT

Appeals and Enquiries

195. (i) An appeal under section 72 or an application under section 73 of the Act, shall be presented in writing to the Registrar of the district, or to the officer in charge of the Registrar's Office accompanied by a copy of the refusal order appealed against and the original document in respect of which the order was passed.
- (ii) When the document is stated to be in the possession of some person other than the appellant and the latter desires time to obtain and produce it or the issue of a summons for its production, the request may be complied with and the appeal or application admitted pending receipt of the document.
196. (i) An appeal under section 72 shall be presented either by the appellant or by an advocated or by a certified pleader duly authorized on his behalf by a vakkalat attested in the manner prescribed in the Civil Rules of Practice applicable to Civil Courts or by an agent holding a power of attorney authenticated as laid down in section 33 of the Act.
- (ii) An application under section 73 shall be presented in person by the party or by an agent holding a power of attorney authenticated as aforesaid.
- (iii) An appeal or a application shall not be accepted or acted upon if sent by post.
197. (i) A register shall be maintained in every Registrar's Office in which shall be entered particulars regarding appeals filed under section 72 and applications under section 73 of the Act.

(ii) As soon as an appeal is admitted or an application is received it shall be entered in this register. Appeals and applications shall be numbered in the same series commencing and terminating with each year.

(iii) After all the columns in respect of an entry have been filled up it shall be attested by the Registrar with date.

198. In an enquiry connected with a will or an authority to adopt under section 41 (2) of the Act or an appeal under section 72 or an application under section 73 or in an original enquiry under section 74, private vakils or persons not qualified under the Bar Council Act, or the Legal Practitioners Act for the time being in force, shall not be allowed to appear. Such persons are not, however, debarred from acting as agents if authorized by a duly authenticated power-of-attorney.

199. An application under section 73 presented by any of the persons mentioned therein within the prescribed period but without the requisite verification may be returned in view to its being verified and presented again within a stated time.

200. An appeal under section 72 or an application under section 73, may, when the Registrar is on a tour of inspection in his district, be posted for hearing at any Sub-Registrar's station convenient to the parties.

201. (i) On the presentation of an appeal section 72 or an application under section 73 and in the case of original enquiry under section 74, a date shall be fixed for the hearing of the appeal or application or for the enquiry.

(ii) Such date shall be notified to the applicant and also published on the notice board of the Registrar's Office.

(iii) Within one week of the date of such publication the applicant shall pay the process the necessary for the issued of notice to the opposite party (hereinafter called the respondent) and for summonses for securing the attendance of witnesses:

Provided that the Registrar may extend the time for such payment from time to time on sufficient causes being shown.

(iv) If on the date of hearing.

(a) none of the parties appear

(b) the applicant does not appear and the respondent appears and contes the registration or the document; or

(c) the respondent does not appear and it is found that notice has not been served upon him in consequence of the failure of the applicant to pay the requisite fee for such service, the Registrar shall make an order refusing to direct registration of the document:

Provided that it shall be open to the Registrar to adjourn the enquiry from time to time for sufficient cause.

(v) An applicant in this rule shall mean an appellant under section 72 or party at whose instance an enquiry under section 74 is commenced and shall include subject to provisions of Rule 196, also, an agent or a vakil.

(vi) An order refusing to direct registration under this rule shall be recorded in Book2.

202. An order on an appeal under section 72 or on application under section 73 directing or refusing registration shall not be endorsed on the document itself but shall when registration is ordered, be recorded separately and filed in a separate file and when registration is refused, be recorder in Book2. In either case a brief abstract of the order shall be endorsed on the petition of appeal or application which will be kept with the records of case.

203. An appeal or application against an order of refusal to register a will presented for registration after the death of testator may be presented by any person claiming an executor or other wise under the will. The Registrar may after perusal of the records connected with the refusal, call for fresh evidence or issue summonses to witnesses or remand the case, to the Sub-Registrar for further enquiry.

204. Where a refusal order is based on the ground that the executant is purposely keeping out of the way in order to evade registration or has gone to a distant place and is not likely to return to admit execution and the non-appearance is treated as tantamount to denial of execution the application may be accepted by a Registrar under section 73, and the fact of execution enquired in to as if execution had been specifically denied.

205. (i) All orders passed by a Registrar under section 72, 75 and 76 shall be communicated without delay to the sub-Registrar concerned.

(ii) When the office in which a document is ordered to be registered is different from the office in which its registration was refused a copy of the order directing registration shall be sent to both offices.

206. The Inspector-General will have power, where he is satisfied that there are grounds for so doing, to transfer from one Sub-Registrar's file to that of another, any enquiry under section 41 (2) and from one Registrar's file to that of another any enquiry under section 72 or section 73.

CHAPTER XXV

Fees and Fines

207. It is for the Registering Office, who is responsible for levying the fee, to determine in the first instance what fee should be paid. After it has been paid the presenting party may, if he is dissatisfied, apply to the Inspector-General of Registration who shall if he thinks there has been an overcharge order the Sub-Registrar to refund any excess. The Inspector-General shall not taken any notice of any such application, if presented after six months from the date of the levy of fees or fine.
208. (i) In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonses, attendances and traveling allowances where such fees and allowances have been earned.
209. Registrars and Sub-Registrars are authorized to refund-
- (a) Fees and fines levied on documents refused registration or returned unregistered; and
- (b) unearned fees for commissions, summonses, attendances and traveling allowances levied in connection with appeal cases deposits of wills, powers of attorney presented for authentication or documents presented for registration.
210. (i) Fees remaining unrefunded on documents refused registration or returned unregistered for a period of two years from the date on which they become refundable shall be held to have lapsed to Government. Six months prior to the expiry of the period a notice shall be sent by registered post to the party concerned, wherever possible, and also be published in the Government Gazette, stating that no claim for refund will be entertained unless preferred within six months from the date of notice.
- (ii) Undisbursed process fees, batta or traveling allowances shall be credited to Government if they are not claimed by the party concerned within six months from the date they become claimable. One month prior to the expiry of the prior, a notice shall be issued by registered post to the party concerned, wherever possible and also be published in the Government Gazette, intimating the amount claimable and the date on which it should be claimed, with a further intimation that the amount if unclaimed within the specified date will be credited to Government.
211. The previous sanction of the Inspector-General shall be obtained for the refund of any collections other than referred to in rule 209.
212. Whether a document is admitted to registration or not all fees and fines shall be at once brought to account.

213. (i) At stations where there is a Treasury the daily collections shall be remitted to the Treasury every succeeding day.
- (ii) At station where there is no Treasury the collections shall be remitted to the nearest Treasury at such intervals as may from time to time be prescribed by the inspector-General of Registration.
- (iii) A remittance to the Treasury shall be accompanied by chalan duly filled up in duplicate in view to one copy of each chalan being returned signed by the Treasury Officer.

CHAPTER XXVI

SECTION 83 OF THE ACT

Prosecutions

214. A Registrar, or Sub Registrar shall if he is satisfied that there are grounds for instituting prosecutions, submit to the Inspector General a full report of the case, setting forth the grounds in detail and abide by his decision.

CHAPTER XXVII

SECTION 83 OF THE ACT

Documents Executed by Government Officers and other Public Functionaries

215. The exemption from personal appearance contemplated by section 88 of the Act shall be held to apply also to a Government Officer who is an ex-officio President or Chairman of a local body or an agent to the Court of Wards.

CHAPTER XXVIII

Preservation and Destruction of Records

216. The following books and files shall be preserved permanently
- Book 1-Register of non-testamentary documents relating to immovable property
 - Book 2-Record of reasons for refusal to register
 - Book 3-Register of wills and authorities to adopt
 - Book 4-Miscellaneous Register.
 - Book 5-Register of deposits of wills.
- Indexes Nos.I, II, III and IV and subsidiary indexes.
- Register of thumb impressions.

File of translations.

File of appeal, orders and judgments and orders of courts.

File of powers-of-attorney

Deposition Book.

217. All other books and records shall be preserved or destroyed under such orders as may from time to time be issued by the Inspector-General of Registration in conformity with the rule made in that behalf by Government.

218. (i) In all registration offices two register of records shall be maintained one relating to the permanent records and the other to the temporary records and in these registers separate pages shall be allotted for each series of books, indexes and other records.

(ii) All records in an office shall be brought to account in one or other of these registers according to the instructions issued from time to time as to the classification of records. A record shall not be omitted from its appropriate register on the ground that it has not been completed or has not been bound, for instance, when a volume of register book or a new register of thumb impressions is brought into use, it shall be entered in the register of permanent records on the day the first document is copied in the volume or the first impression taken; similarly the index of a particular year shall be entered in the record register even though it may at starting be maintained in loose sheets.

219. The date of destruction and the number and date of the order if any, sanctioning the same shall be noted in the record register against the entry of record destroyed, each such not being attested and dated by the Registering Officer.

220. (i) When a page in a register book shows signs of crumbling or an entry signs if fading, the page or entry shall with previous sanction of the Registrar, be recopied.

(ii) The recopying shall be done in special of the class of book form which the entry is recopied. These special volumes shall be used only for the purpose of recopying entries shall be recopied in these volumes in succession, irrespective of the dates of the entries recopied. These volumes shall be serially numbered and entered in the permanent record register under the sub-head recopied volumes under the class of registers from which the entries are recopied.

(iii) When an entry is recopied a note of the fact shall be made at the foot of the entry in the original register and connected with cross reference to the pages in the special volume in which the same has been recopied, When an entire volume is recopied, a note to that effect shall be entered in red ink on the label on the back of the original volume as well as on the

title page; and on the back of the volume containing the reproduced entries a label shall be posted showing in red ink its contents.

(iv) The original shall be faithfully reproduced as it is found in the register and any missing or undecipherable letters, words or figures shall not be filled up by guessing from the context. A note shall be made as regards portions not legible or visible.

(v) The entries as copied shall be compared and authenticated as a true copy by the Registering Officer with date and seal.

(vi) The signatures of the clerk who recopies each entry and of the clerk who examine it shall be affixed above the signature of the Registering Officer authenticating the copy.

(vii) Uninitialled interlineations, etc. in the original shall be noted above the signatures of the clerk who copy and compare, and these notes shall be attested by the Registering Officer.

(viii) The interlineations etc, in the copies of entries shall be noted by the copying clerk and shall be initialed by the Registering Officer.

CHAPTER XXIX

UNCLAIMED DOCUMENTS

221. In every registration office, a register shall be maintained to show all document register or refused registration which has been lying unclaimed for over fifteen days and an abstract of the out-standing entries in this register shall every quarter year be exposed to public view in the office. Every year in September, a list of all such documents which are to be destroyed in the succeeding year shall be published in the Gazette. A copy of this list shall also be exhibited on the notice board of the office.

222. The two years mentioned in section 85 shall be reckoned from the date of registration or refusal for registration as the case may be. In calculating the period the date of registration or refusal shall be excluded.

223. (a) No document of which the destruction is authorized by section 85 shall be destroyed without the previous sanction of the Registrar and until a notice has been issued in writing to the party, entitled to receive the document informing him of the destruction that is to take place.

(b) When a document the registration of which has been refused is destroyed a similar note shall be recorded in Book 2.

(c) in each case, the note shall record the fact that the document has been destroyed under the sanction of the Registrar and after notice duly issued to the party concerned. It shall be initialed and dated by the Registering Officer.

CHAPTER XXX

INSPECTION AND ENQUIRIES

225. (i) Each Sub-Registry Office shall be inspected by the Registrar twice in each official year, unless for special reasons the Inspector-General orders otherwise.
- (ii) The Registrar shall record the results of his inspection in two parts. Part I shall contain omissions, and irregularities of sufficient importance to be brought to the notice of the Inspector-General of Registration, Part II shall contain all other defects which could be rectified under the orders of the Registrar.
- (iii) Part I of the report shall be submitted by the Registrar, to the inspector-General of Registration with his further remarks on the explanations of the Sub-Registrars.
- (iv) The Inspection notes shall be dealt with in the manner prescribed by the Inspector-General of Registration from time to time.
226. (i) A Registrar shall not as a rule, require a Sub-Registrar to report officially on any anonymous petition or a petition which is obviously pseudonymous. He may however ascertain whether there is any truth in such a petition and if he is satisfied that it is based on truth he shall submit a report to the Inspector-General and abide by his orders.
- (ii) When a petition against a Sub-Registrar or any of his subordinates is found to be genuine so far as the signatures are concerned the Registrar shall hold a preliminary enquiry and submit a report to the Inspector-General.
- (iii) No formal enquiry shall in any case be undertaken without the previous sanction of the Inspector-General of Registration.