

COMMENTS

Non-registration of a will can assume importance only when it exists with some suspicious circumstances; *Celestine Silva Bai v. Jasphine Noronha Bai*, AIR 1956 Mad 566.

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 documents, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

STATE AMENDMENTS

Delhi:

Same as in Punjab.

[Vide G.S.R. 465, dated 20th March, 1965, published in Gazette of India, 1965, Pt. II, Sec. 3(i), p. 499.]

Himachal Pradesh:

Same as in Punjab.

[Vide Himachal Pradesh Act 2 of 1969, sec. 4 (w.e.f. 11-4-1969)].

Kerala:

In section 19, omit the words "and also by a true copy".

[Vide Kerala Act 7 of 1968, sec. 3 (w.e.f. 22-2-1968)].

Maharashtra, Gujarat:

For modification of section 19, see sub-section (3) of section 70D in Part XIA inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958; Act 11 of 1960, sec. 87.

Where registration is done by photogravure process, this section would have no application.—See sections 70C and 70D supra inserted by Bombay Act 17 of 1930.

Punjab, Haryana and Chandigarh:

In section 19, for the words "a true translation", substitute the words "two copies of the true translation".

[Vide Punjab Act 19 of 1961, sec. 3 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 89.]

Orissa:

In section 19, omit the words "and also by a true copy".

[Vide Orissa Act 14 of 1989, sec. 2.]

Rajasthan:

Same as in Punjab.

[Vide Rajasthan Act 11 of 1982, sec. 3 (w.e.f. 16-7-1982).]

Tripura:

Same as in Punjab.

[Vide Tripura Act 7 of 1982, sec. 3 (w.e.f. 1-1-1983).]

Tamil Nadu:

Same as in West Bengal.

[Vide Tamil Nadu Act 21 of 1966.]

West Bengal:

Omit the words "and also by a true copy".

[Vide West Bengal Act 17 of 1978, sec. 7 and Sch.]

Section 19A

Goa:

After section 19, insert the following section, namely:—

"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) 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."

[Vide Goa Act 24 of 1984, sec. 2 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Goa.

[Vide Karnataka Act 55 of 1976, sec. 3 (w.e.f. 23-10-1976).]

Kerala:

Same as in Goa.

[Vide Kerala Act 7 of 1968, sec. 4 (w.e.f. 22-2-1968).]

Orissa:

After section 19, insert the following section, namely:—

"19A. Documents presented for registration to accompany true copies thereof.—

(1) No document shall be accepted for registration, unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be legibly handwritten, printed, type-written, lithographed, cyclostyled or otherwise prepared only on one side of the paper and in accordance with such rules as may be made in this behalf by the State Government, and shall contain a declaration in the prescribed manner that the same is a true copy of the document and its translation, if any."

[Vide Orissa Act 14 of 1989, sec. 3 (w.e.f. 19-9-1989).]

Rajasthan:

After section 19, insert the following section, namely:—

"19A. Refusal to register.—Notwithstanding anything contained in this Act, the registration officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true or photostat copy thereof."

[Vide Rajasthan Act 11 of 1982, sec. 4 (w.e.f. 16-7-1982).]

West Bengal:

After section 19, insert the following section, namely:—

"19A. Document unless accompanied by a true copy thereof not to be accepted for registration.—Notwithstanding anything contained elsewhere in the Act or any other law for the time being in force, no document shall be accepted by the registering officer for registration unless it is prepared and presented, and accompanied by a true copy thereof in accordance with such rules as may be made in this behalf."

[Vide the Registration (West Bengal Amendment) Act, 1981.]

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 interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, 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 interlineation, blank, erasure or alteration.

STATE AMENDMENTS

Maharashtra, Gujarat:

Note.—For omission of sub-section (2) of section 20, see sub-section (3) of section 70D in Part XIA inserted in main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958; Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.

Tamil Nadu:

In section 20, in sub-section (1), after the expression "persons executing the document", insert the expression "and in the case of document for sale of property, the persons claiming under that document also".

[Vide Tamil Nadu Act 28 of 2000, sec. 2.]

21. Description of property and maps or plans.—(1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being the territorial division in which they are situate, and by their superficial contents, the roads and other properties on to 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 therein 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.

STATE AMENDMENTS

Gujarat:

Same as in Maharashtra.

[Vide Gujarat Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

Maharashtra:

For sub-section (2), substitute the following sub-section, namely:—

"(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. In all city surveyed areas, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records."

[Vide Bombay Act 35 of 1958, sec. 4 (w.e.f. 24-4-1958).]

Note.—For omission of sub-section (4) of section 21, see sub-section (3) of section 70D inserted in the main Act by Bombay Act 17 of 1930.

Uttar Pradesh:

In section 21, for section (1), substitute the following sub-section, namely:—

"(1A) No non-testamentary document relating to immovable property shall be accepted for registration unless:—

- (a) it contains a description of such property sufficient to identify the same; and
- (b) it is a compound also, where the property is agricultural land, by a map or plan, not necessarily on scale, showing all properties with full description in the radius of two hundred meters of that agricultural land."

[Vide Uttar Pradesh Act 36 of 2001, sec. 6 (w.e.f. 20-5-2002).]

COMMENTS

Where a document comprises several properties and the description is sufficient as to some, but insufficient as to others, the registering officer must not refuse to accept the document for registration in its entirety; *Kesava v. Kannusamy*, (1904) 15 Mad LJ 30.

22. Description of houses and land by reference to Government maps or surveys.—(1) Where it is, in the opinion of the ¹[State Government], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the ¹[State Government] may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes 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.

STATE AMENDMENTS

Delhi:

Same as in Punjab.

[Vide Notification No. 189/38, dated 30th May, 1939, as amended by Notification No. 72/43-Public, dated 16th September, 1943.]

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

Maharashtra:

In section 22, for sub-section (2), substitute the following sub-section, namely:—

"(2) Except in the case of city surveyed areas and except 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."

[Vide Bombay Act 35 of 1958, sec. 5 (w.e.f. 24-4-1958).]

Punjab, Haryana and Chandigarh:

In section 22, in sub-section (1), omit the words "not being houses in towns".

[Vide Punjab Act 8 of 1941, sec. 2 (w.e.f. 23-5-1941) read with Act 23 of 1960, sec. 4; Act 31 of 1966, sec. 88.]

Section 22A

Andhra Pradesh:

After section 22, insert the following section, namely:—

"22A. Documents registration of which is opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."

[Vide Andhra Pradesh Act 4 of 1999, sec. 4 (w.e.f. 1-4-1999).]

Bihar:

After section 22, insert the following section, namely:—

"22A. Registration of documents which is against the public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is against the public policy.

1. Subs. by the A.O. 1950, for "Provincial Government".

(2) Notwithstanding anything contained in the Act, the registering officer shall refuse to register any document to which the notification issued under sub-section (1) is applicable."

[Vide Bihar Act 6 of 1991, sec. 2 (w.e.f. 8-8-1991).]

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.]

Karnataka:

Same as in Maharashtra.

[Vide Karnataka Act 55 of 1976, sec. 3 (w.e.f. 23-10-1976).]

Maharashtra:

After section 22, insert the following section, namely:—

"22A. Documents registration of which is opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of document is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."

[Vide Bombay Act 24 of 1938 (w.e.f. 8-2-1939) read with Act 35 of 1958 (w.e.f. 24-4-1958).]

Note.—For notifications barring registration of documents relating to permanent alienation of agricultural land without sanction from the Collector, see Bombay Government Notification No. 1958/97574 IV-27/28 January, 1959 and No. 1959/192322(b), dated 18-1-1960; for similar notification in respect of Vidarbha region, see Bombay Gazette, 1958, Pt. IV, p. 12; for declaration of registration of trade marks under this Act as being against public policy, see Bombay Gazette, 1958, Pt. IVA, p. 504.

Meghalaya:

After section 22, insert the following section, namely:—

"22A. Registration of certain documents may be declared as being opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification made under sub-section (1) is applicable."

[Vide Meghalaya Act 5 of 1990, sec. 2 (w.e.f. 22-6-1990).]

Orissa:

After section 22, insert the following section, namely:—

"22A. Document registration of which is opposed to public policy.—(1) The State Government may, by notification, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register a document to which a notification issued under sub-section (1) is applicable."

[Vide Orissa Act 8 of 2002, sec. 5 (w.e.f. 24-5-2002).]

Rajasthan:

Same as in Maharashtra.

[Vide Rajasthan Act 16 of 1976, sec. 2 (w.e.f. 13-2-1976).]

West Bengal:

After section 22, insert the following new section 22A:—

"22A. Registration of certain documents to be opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or any class of documents specified in such notification shall be opposed to public policy.

(2) The registering officer shall examine a document prescribed for registration is one to which a notification under sub-section (1) is applicable and shall take such evidence as may be produced by the parties and may also require them to produce all documents in their possession or custody which the registering officer considers relevant.

(3) Notwithstanding anything to the contrary contained elsewhere in the Act, the registering officer shall refuse to register any document or any class of documents to which a notification under sub-section (1) is applicable."

[Vide Registration (West Bengal Amendment) Act, 1981].

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 a 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.

COMMENTS

Where a document requiring registration is not presented for registration within the time prescribed, it will not be open to the parties to have it registered in an indirect manner by simply adopting the device of registering to it in, or making it a part of, a later document which could be presented for registration; *P.A.J. Seetharama Raju v. L.G.G.A. Deptt.*, AIR 1963 Mad.

[23A. Re-registration of certain documents.—Notwithstanding anything to the contrary contained in this Act, if in any 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 Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor 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:

Provided 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.]

STATE AMENDMENTS

Section 23B

Andhra Pradesh:

After section 23A, insert the following section, namely:—

23B. Power of State Government to permit the registration of documents registered in the loges at Masulipatnam and in certain other areas in French India.—(1) The State Government may, by notification in the Andhra Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the loges at Machilipatnam (formerly known as Masulipatnam), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra Pradesh, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[Vide Madras Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Andhra Pradesh A.L.O., 1953.]

Kerala:

Malabar—Omit section 23B inserted by Madras Act 17 of 1952 as in force in the Malabar District.

[Vide Kerala Act 2 of 1959, sec. 2 (w.e.f. 1-6-1960).]

Tamil Nadu:

After section 23A, insert the following section, namely:—

23B. Power of State Government to permit the registration of documents registered in the loges at Kozhikode and in certain other areas in French India.—(1) The Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the loges at Kozhikode (formerly known as Calicut), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purpose from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Madras, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[Vide Tamil Nadu Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954, (w.e.f. 1-10-1953).] Tamil Nadu Act 17 of 1952, in so far as applies to, and is in force in the added territories, i.e., territories added under the Second Schedule to the Central Act 56 of 1959, has been repealed by Tamil Nadu (Added Territories Extension of Laws) Act, 1964 (7 of 1964).

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 is unavoidable.—(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in ¹[India] is not presented for registration till after the expiration of the time hereinbefore 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.

STATE AMENDMENT

Rajasthan:

In section 25—

- (a) in sub-section (1), for the word "Registrar", substitute the words "Registering Officer", for the words "direct that", substitute the words "register the document" and for the words "such document shall be accepted for registration", substitute the words "on such document"; and
- (b) omit sub-section (2).

[Vide Rajasthan Act 18 of 1989, sec. 3 (w.e.f. 18-9-1989).]

26. Documents executed out of India.—When a document purporting to have been executed by all or any of the parties out of ¹[India] is not presented for registration till after the expiration of the time hereinbefore 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 ¹[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.

1. Subs. by Act 3 of 1951, sec. 3. and Sch., for "the States" (w.e.f. 1-4-1951).

PART V

OF 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) ¹[(d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) ²[(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.

STATE AMENDMENTS

Andhra Pradesh:

In section 28, for the expression "clauses (a), (b), (c), (d) and (e) of section 17, sub-section 2", substitute the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17, sub-section (2)", and for expression "clauses (a), (b), (c) and (cc)", substitute the expression "clauses (a), (b) and (cc)".

[Vide Andhra Pradesh Act 4 of 1999, sec. 5 (w.e.f. 1-4-1999).]

Bihar:

For section 28, substitute the following section, namely:—

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

[Vide Bihar Act 6 of 1991, sec. 3 (w.e.f. 8-8-1991).]

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960 (w.e.f. 1-7-1961).]

Maharashtra:

(i) In section 28 for the letters, brackets and word "(b) and (c)", substitute the brackets, letters and word "(b), (c), (cc) and (ee)".

[Vide Bombay Acts 14 of 1939, sec. 4; 14 of 1947, read with 35 of 1958, sec. 2 (w.e.f. 28-4-1958) and 6 of 1960, sec. 43 (w.e.f. 1-1-1961).]

(ii) For brackets, letters, word and figure "(ee) and (eee)", substitute brackets, letters and words "and (ee)".

[Vide Maharashtra Act 20 of 1971, sec. 58 (w.e.f. 15-6-1972).]

Orissa:

In section 28,—

(i) for the words, brackets and letter "and (e)", substitute the brackets and letters and word "(e), (f) and (g)"; and

(ii) omit the words "or some portion".

[Vide Orissa Act 8 of 2002, sec. 6 (w.e.f. 24-5-2002).]

Pondicherry:

For section 28, substitute the following section, namely:—

"28. Place for registering documents relating to land.—Save as in this Part otherwise provided,—

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17, in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole

1. Subs. by Act 33 of 1940, sec. 3, for "and (d)".

2. Subs. by Act 33 of 1940, sec. 3, for "and (c)".

or some portion of the property to which such document relates is situate in the Union Territory of Pondicherry; and

(b) any document registered outside the Union Territory of Pondicherry in contravention of the provisions of clause (a) shall be deemed to be null and void."

[Vide Pondicherry Act 5 of 1999 (w.e.f. 4-5-1999).]

Uttar Pradesh:

(1)(i) In section 28, omit the words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)".

(ii) For the words "section 18, clauses (a), (b), (c) and (cc)", substitute the words "every document mentioned in section 18, clause (c)".

[Vide Uttar Pradesh Act 19 of 1981, sec. 8 (w.r.e.f. 1-8-1981).]

(2)(i) Omit the words "or some portion".

(ii) Insert the following proviso, namely:—

"Provided that the document of award, exchange, gift, mortgage, partition, settlement and trust insofar as such document affects immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or major portion or half-portion of the property to which such document relates is situate."

[Vide Uttar Pradesh Act 27 of 1994, sec. 3.]

COMMENTS

The burden of proving that the property is situate within the jurisdiction in which a document relating thereto registered is on the person relying on such document; *Mohd. Khaja v. Monappa*, AIR 1953 Hyd 280.

29. Place for registering other documents.—(1) Every document ¹[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 ²[State Government] at which all the persons executing and claiming under the document 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 the Sub-Registrar under the ²[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.

³[***]

STATE AMENDMENTS

Andhra Pradesh:

In section 30,—

(i) in sub-section (1), omit brackets and figure "(1)"; and

(ii) omit sub-section (2).

[Vide Andhra Pradesh Act 13 of 1996, sec. 2 (w.e.f. 15-6-1996).]

1. Subs. by Act 33 of 1940, sec. 3 and Sch. II, for "other than a document referred to in section 28, and a copy of decree or order".
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Sub-section (2) omitted by Act 48 of 2001, sec. 4 (w.e.f. 24-9-2001). Earlier sub-section (2) was amended by Act 45 of 1969, sec. 2(b) (w.e.f. 26-12-1969).

Bihar:

In section 30, omit sub-section (2).
[Vide Bihar Act 6 of 1991, sec. 4 (w.e.f. 8-8-1991).]

Gujarat:

In section 30—

- (1) in sub-section (1), omit the brackets and figure "(1)";
- (2) omit sub-section (2).

[Vide Gujarat Act 18 of 1990, sec. 2.]

Haryana:

In section 30, omit sub-section (2).
[Vide Haryana Act 4 of 1997, sec. 2 (w.e.f. 12-3-1997).]

Madhya Pradesh:

In section 30, omit sub-section (2).
[Vide Madhya Pradesh Act 1 of 1993, sec. 2 (w.e.f. 15-7-1993).]

Orissa:

In section 30, omit sub-section (2).
[Vide Orissa Act 19 of 1991, sec. 2.]

Rajasthan:

In section 30,—
(i) in sub-section (1), omit brackets and figure "(1)"; and
(ii) omit sub-section (2).
[Vide Rajasthan Act 18 of 1989, sec. 4 (w.e.f. 18-9-1989).]

Uttar Pradesh:

In section 30, omit sub-section (2).
[Vide Uttar Pradesh Act 27 of 1994, sec. 4.]

West Bengal:

(1) In section 30, omit sub-section (2).
[Vide West Bengal Act 17 of 1996, sec. 3.]

Section 30A and 30B

(2) After section 30, insert the following section, namely:—

"30A. Registration by Registrar of Assurances, Calcutta.—Notwithstanding anything contained elsewhere in the Act, the Registrar of Assurances, Calcutta, may receive and register any document referred to in section 28 without regard to the situation in any part of West Bengal of the property to which the document relates."

[Vide West Bengal Act 22 of 1997, sec. 3.]

(3) After section 30A, insert the following section, namely:—

"30B. Special power of registration in certain cases by Registrar of Assurances, Calcutta.—Notwithstanding anything contained elsewhere in this Act, the Registrar of Assurances, Calcutta, may without regard to the situation in any part of India outside the State of West Bengal of the property to which a document relates, receive and register the document where such document is in the nature of—

- (a) a mortgage bond executed by an employee of a Government, a statutory body or a local authority in favour of such Government, statutory body or local authority as security for advances taken by such employee for house-building purposes; or
- (b) a reconveyance executed by a Government, a statutory body or a local authority in favour of employee of such Government, statutory body or local authority on repayment of the advances taken by such employee for house-building purposes."

[Vide West Bengal Act 15 of 1998, sec. 3 (w.e.f. 1-4-1998).]

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 authorised to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI**OF PRESENTING DOCUMENTS FOR REGISTRATION**

32. Persons to present documents for registration.—Except in the cases mentioned in ¹[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such a person, or
- (c) by the agent of such a person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

STATE AMENDMENT**Section 32A****Bihar:**

After section 32, insert the following section, namely:—

"32A. Giving of duplicate copies of documents presented for registration.—

(1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any transaction of documents referred to in section 19 presented for registration shall be accompanied by such number of duplicate copies thereof as may be prescribed by rules under section 69.

(2) The duplicate copy shall—

- (a) be neat and legibly typed or handwritten, as the case may be, on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;
- (c) be compared and verified by such official as may be directed by the Registering Officer;
- (d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69."

[Vide Bihar Ordinance 7 of 1997, sec. 2 (w.e.f. 11-8-1997).]

Uttar Pradesh:

After section 32, insert the following section, namely:—

*"32A. Giving of true *[*] copies of documents prescribed for registration.—Notwithstanding anything contained in this Act [†]*[*] every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of true *[*] copies thereof, as may be prescribed by rules under section 69.*

(2) The *[*] copy shall,—

- (a) be neat and legible, prepared on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;

^{††}[(c) be compared and verified by such official as may be directed by the registering officer;]

1. Subs. by Act 39 of 1948, sec. 3, for "section 31 and section 89" (w.e.f. 3-9-1948).

@[***]

@@[***]

[Vide Uttar Pradesh Act 29 of 1989, sec. 2 (w.e.f. 11-5-1989).]

* The word "photostat" omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

† The words, "in such areas as may be notified by the State Government," omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

†† Subs. by Uttar Pradesh Act 36 of 2001, sec. 7(b), for clauses (c) and (d) (w.e.f. 20-5-2001).

@ Sub-section (3) omitted by Uttar Pradesh Act 36 of 2001, sec. 7(c) (w.e.f. 20-5-2001).

@@ Section 32B, as inserted by Uttar Pradesh Act 27 of 1994, sec. 5, omitted by Uttar Pradesh Act 36 of 2001, sec. 8 (w.e.f. 20-5-2001).

1[32A. Compulsory affixing of photograph, etc.]—Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

33. Power-of-attorney recognizable for purposes of section 32.—(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

- (a) if the principal at the time of executing the power-of-attorney resides in any part of ²[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
- (b) if the principal at the time aforesaid ³[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
- (c) if the principal at the time aforesaid does not reside in ²[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, ⁴[Indian] Consul or Vice-Consul, or representative ⁵[***] of the Central Government:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:—

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in Court.

1. Ins. by Act 48 of 2001, sec. 5 (w.e.f. 24-9-2001).

2. Subs. by Act 3 of 1951, sec. 3 and Sch., for "the States" (w.e.f. 1-4-1951).

3. Subs. by Act 3 of 1951, sec. 3 and Sch., for "resides in any other part of the States" (w.e.f. 1-4-1951).

4. Subs. by the A.O. 1950, for "British".

5. The words "of His Majesty or" omitted by the A.O. 1950.

¹[Explanation.—In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. Enquiry before registration by registering officer.—(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

STATE AMENDMENTS

Tamil Nadu:

In section 34,—

- (1) in sub-section (1), after the expression "persons executing such document", insert the expression "and in the case of document for sale of property, the persons claiming under that document";

1. Ins. by Act of 1951, sec. 3 and Sch. (w.e.f. 1-4-1951).

(2) in sub-section (3), in clause (b), after the expression "executed the document", insert the expression "or they are claiming under the document".

[Vide Tamil Nadu Act 28 of 2000, sec. 3.]

Section 34A

After section 34, insert the following section, namely:—

"34A. Person claiming under document for sale of property also to sign document.—Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document."

[Vide Tamil Nadu Act 28 of 2000, sec. 4.]

35. Procedure on admission and denial of execution respectively.—

(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such 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 purports 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

(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 person so denying, appearing or dead:

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

[Provided further that the ²[State Government] may, by notification in the ³[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 Registrar 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 person presenting any document for registration or claiming under any

1. Added by Act 13 of 1926, sec. 2.

2. Subs. by the A.O. 1950, for "Provincial Government".

3. Subs. by the A.O. 1937, for "Local Official Gazette".

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 ¹[State Government] directs in this 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.

STATE AMENDMENTS

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.]

Maharashtra:

In section 36, for the words "may, in his discretion", substitute the words "in his discretion, may, upon receipt of the prescribed fee, issue or may"; and after the word "issue", insert a comma.

[Vide Bombay Act 5 of 1929, sec. 6 (w.e.f. 22-5-1929) read with Bombay Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

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) person exempt by law from personal appearance in Court, and who would but for the provisions 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, commissions 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.

1. Subs. by the A.O. 1950, for "Provincial Government".

(2) The donor, or after his death the 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 said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. Withdrawal of sealed cover deposited under section 42.—If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

45. Proceedings on death of depositor.—(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

STATE AMENDMENTS

Goa:

In section 45,—

- (a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (b) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

[Vide Goa Act 24 of 1985, sec. 3 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 4 (w.e.f. 24-10-1976).]

Kerala:

In section 45,—

- (i) in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", substitute the words "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (ii) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

[Vide Kerala Act 7 of 1963, sec. 5 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 4 (w.e.f. 19-9-1989).]

Pondicherry:

Same as in Kerala.

[Vide Pondicherry Act 17 of 1970, Sch. Item (1) (w.e.f. 1-11-1970).]

Tripura:

Same as in Kerala.

[Vide Tripura Act 7 of 1982, sec. 4 (w.e.f. 1-1-1983).]

Tamil Nadu:

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966.]

West Bengal:

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 6 and Sch.]

46. Saving of certain enactments and powers of Courts.—(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

STATE AMENDMENTS

Goa:

In section 46,—

- (a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed";
- (b) for the words, letters and figure "cause the will to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3".

[Vide Goa Act 24 of 1985, sec. 4 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 5 (w.e.f. 24-10-1976).]

Kerala:

In section 46, in sub-section (2),—

(a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed"; and

(b) for the words "cause the will to be copied into Book No. 3", substitute the words "cause a true copy of the will to be made and filed in his Book No. 3".

[Vide Kerala Act 7 of 1968, sec. 6 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 5 (w.e.f. 19-9-1989).]

Pondicherry:

With reference to documents specified by rules made under sub-section (3) of section 52 as obtaining in Kerala, section 46 shall stand modified as follows:—

In sub-section (2) for the words "unless the will has been already copied", substitute the words "unless for the true copy of the will has already been filed and the words "cause the will to be copied into his Book No. 3", substitute the words "cause a true copy to be made and filed in his Book No. 3".

[Vide Pondicherry Act 17 of 1970, Sch., Item 2 (w.e.f. 1-11-1970).]

Tripura:

Same as in Kerala, except that for the word "filed", the word "pasted" has been used.

[Vide Tripura Act 7 of 1982, sec. 5 (w.e.f. 1-1-1983).]

Tamil Nadu:

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966.]

West Bengal:

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 66 and Sch.]

PART X

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION

47. Time from which registered document operates.—A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

COMMENTS

Under the Registration Act, 1908 a registered document operates from the date of its execution and not from the date of its registration. The result is that if two registered documents are executed by the same person in respect of the property to two different persons at different times, the one which was executed first has priority over the other, although the former was registered subsequently to the latter; *K. J. Nathun v. Marulthi Rao*, AIR 1965 SC 430.

48. Registered documents relating to property when to take effect against oral agreements.—All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any order agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession ¹[and the same constitutes a valid transfer under any law for the time being in force:

1. Added by Act 21 of 1929, sec. 10.

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882 (4 of 1882), shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

49. Effect of non-registration of documents required to be registered.—No document required by section 17 ¹[or by any provision of the Transfer of Property Act, 1882 (4 of 1882)], to be registered shall—

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered:

¹[Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877)², ³[***] or as evidence of any collateral transaction not required to be effected by registered instrument.]

STATE AMENDMENT

Uttar Pradesh:

In section 49,—

- (i) in the first paragraph, after the words "or by any provision of the Transfer of Property Act, 1882", insert the words "or of any other law for the time being in force";
- (ii) for clause (b), substitute the following clause, namely:—
" (b) confer any power or create any right or relationship, or";
- (iii) in clause (c), after the words "such power", insert the words "or creating such right or relationship";
- (iv) in the proviso, omit the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or".

[Vide Uttar Pradesh Act 57 of 1976, sec. 34 (w.e.f. 1-1-1977).]

COMMENTS

Lease deed or sub-lease of immovable property would be compulsorily registrable under section 17(1)(d) of the Act and section 107 of the Transfer of Property Act. In the absence of such a document, section 49 visualises no legal effect or an effective transfer by way of lease or sub-lease; *New Okhla Industrial Development Authority (Noida) v. Army Welfare Housing Organisation*, (2010) 9 SCC 354; JT 2010 (10) SC 303; (2010) 9 SCALE 425.

50. Certain registered documents relating to land to take effect against unregistered documents.—(1) Every document of the kinds mentioned in clauses (a), (b), (c), and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2)

1. Added by Act 21 of 1929, sec. 10.

2. Now see the Specific Relief Act, 1963 (47 of 1963).

3. Certain words omitted by Act 48 of 2001, sec. 6 (w.e.f. 24-9-2001).