

CHAPTER 11

REGISTRATION ACT, 1908

1. OBJECTIVES

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| Objectives of the Act | <ul style="list-style-type: none"> ▪ To ensure information about all deals concerning land so that correct land records could be maintained. ▪ Proper recording of transactions relating to other immovable property ▪ Registration of other documents for more authenticity. ▪ Registering authorities have been provided in all the district for this purpose. |
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2. REGISTRATION OF DOCUMENTS

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| Documents for which registration is compulsory – Section 17(1) | <ul style="list-style-type: none"> ▪ Registration of following documents is compulsory : <ul style="list-style-type: none"> ➤ Instruments of gifts of immovable property – Section 17(1)(a) ➤ Non-testamentary Instrument which create, declare, assign, limit or extinguish any right, title or interest of the value of over Rs.100 in immovable property – Section 17(1)(b) ➤ Acknowledge receipt or payment of any consideration on account of creation, declarations, assignment, limitation or extinction of any right, title or interest in immovable property – Section 17(1)(c) ➤ Lease on immovable property from year to year, of for any term exceeding one year, or reserving a yearly rent. – Section 17(1)(d) ➤ Non-testamentary instruments transferring or assigning any decree or order of a Court or any award which create, declare, assign, limit or extinguish any right, title or interest in immovable property of value of Rs.100 or more. Section 17(1)(e) ➤ Part performance of contract, if the possession is transferred to transferee, if document is executed on or after 24-9-2001. If the document is not registered, the transferee gets no rights under Section 53A of Transfer of Property Act. – Section 17(1A) ➤ Authority to adopt a child, if such authority is not conferred by a will. – Section 17(3) <p>Important Note :</p> <ul style="list-style-type: none"> ▪ Testamentary means connected with 'Will'. <p>Examples of documents that require compulsory registration :</p> <ul style="list-style-type: none"> ▪ A compromise decree, which creates for the first time, any right, title, or interest in immovable property. ▪ A n award of Arbitrator creating right, title or interest in immovable property ▪ Right to catch fish in tank giving lease more than one year ▪ Conveyance of part performance for immovable property requires registration if possession is transferred. ▪ Agreement to lease |
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| <p>Document for which registration is not necessary – Section 17(2)</p> | <ul style="list-style-type: none"> ▪ Following documents through related to immovable property are not required to be registered. These are given in section 17(2) of the Act as follows : <ul style="list-style-type: none"> ➤ Compound deed ➤ Instrument relating to shares in a company even if assets of the company wholly or partly comprise of immovable property ➤ Debenture certificate, if the security for debentures is mortgage, conveyance or transfer of immovable property to trustees of debenture holders. The exemption applies only if the mortgage is registered and duly stamped ➤ Endorsement or transfer of such debentures ➤ Any document merely creating right to obtain another document, which will create right, title or interest when executed. ➤ Any decree or order of Court, unless the decree is compromising immovable property other than that, which is subject matter of suit or proceedings. ➤ Grant of immovable property by the Government ➤ Instrument of partition made by Revenue Officer ➤ Loan granted as under collateral security of land under an Act ➤ Order vesting property in Charitable Endowments or divesting the property under Charitable Endowments Act, 1890 ➤ Any endorsement on mortgage deed acknowledging payment of whole or any part of mortgage money ➤ Any receipt for payment of money due under mortgage when the receipt does not purport to extinguish mortgage i.e. last payment which extinguishes the mortgage is only registerable. ➤ Any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer. |
| | <p>Examples of documents not required to be registered :</p> <ul style="list-style-type: none"> ▪ A document incapable of valuation need not be registered. ▪ A lease deed executed for a period not exceeding 11 months does not require registration, even if reduced in writing and possession is delivered thereunder to a tenant. ▪ A foreign award does not require registration under Registration Act. However, an award under Indian Arbitration Act will require registration (if it pertains to immovable property) |
| <p>Documents for which registration is optional – Section 18</p> | <ul style="list-style-type: none"> ▪ Following documents can be registered on optional basis : <ul style="list-style-type: none"> ➤ Instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest in movable property, ➤ Wills ➤ Documents not requiring registration under section 17(1) for the reason that the value is below Rs.100 ➤ Documents not required to be registered under Section 17(2) (as explained above) |

3. REQUIREMENTS OF REGISTRATION OF DOCUMENTS

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| <p>Translation if unknown language – Section 19</p> | <ul style="list-style-type: none"> ▪ If the document is in language not understood by registering officer and not commonly used in the district, a true translation of document and its true copy should be submitted along with original. |
| <p>Blanks, erasures etc. should be authenticated – Section 20</p> | <ul style="list-style-type: none"> ▪ If the document has interlineations, blank, erasure or alterations, these should be attested with signatures or initials of persons executing the document ▪ Registering Officer will make a note of such interlineations, blank, erasure or alteration |
| <p>Description of property – maps or plans – Section 21</p> | <ul style="list-style-type: none"> ▪ The non-testamentary document should contain description of the immovable property in sufficient details to identify the same. Details should contain : <ul style="list-style-type: none"> ➤ Houses situated on north and front side of roads and their existing and former occupancies and their house numbers (if any). ➤ Territorial division of land, roads and other properties on which they are situated if possible, situation with reference to Government map or survey. |
| <p>Photograph and fingerprints of buyer and seller – Section 32A</p> | <ul style="list-style-type: none"> ▪ If document relates to transfer of ownership of immovable property, passport size photograph and fingerprints of each buyer and seller of such property shall be affixed to document. |
| <p>Effect of inaccurate or insufficient description</p> | <ul style="list-style-type: none"> ▪ It was held that even if document gives inaccurate or insufficient description, it is not invalidated. The document does not become invalid. – Lal Bahadur Yadav vs. Ram Bilash Rai (1997) |

4. TIME LIMIT FOR REGISTRATION OF DOCUMENTS

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| <p>Time Limit for registration – Sections 23 – 25</p> | <ul style="list-style-type: none"> ▪ Document should be submitted for registration within 4 months from date of execution. ▪ Decree or order of Court can be submitted within four months from the day it becomes final. ▪ If document is executed by several persons at different times, it may be presented for registration within 4 months from date of each execution. ▪ If a document is executed abroad by some of the parties, it can be presented for registration within four months after its arrival in India. ▪ A document executed outside India is not valid unless it is registered in India. ▪ If a person finds that a document has been filed for registration by a person who is not empowered to do so, he can present the |
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| | <p>document for re-registration within 4 months from the date he became aware of the fact that registration of document is invalid.</p> <ul style="list-style-type: none"> ▪ Registrar is authorized to condone delay in filing of documents executed in India. Condonation can be upto four months and fine upto 10 times the normal registration fee as prescribed by Registrar is payable. |
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5. PLACE OF REGISTRATION OF DOCUMENTS

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| <p>Place of registration – Sections 28 - 31</p> | <ul style="list-style-type: none"> ▪ Documents relating to immovable property should be registered in the office of Sub-Registrar of sub-district within which the whole or some portion of property is situated. ▪ Other document can be registered in the office of Sub-Registrar where all persons executing the document desire it to be registered. ▪ A Registrar can accept a document, which is registerable with sub-registrar who is subordinate to him ▪ Document should be presented for registration at the office of Registrar or Sub-Registrar. However, in special case, the officer may attend residence of any person to accept a document or will. |
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6. PRESENTATION OF DOCUMENTS FOR REGISTRATION

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| <p>Who can present documents? (Sections 32 – 33)</p> | <ul style="list-style-type: none"> ▪ Document for registration can be presented by any of the following : <ul style="list-style-type: none"> ➤ By some person executing or claiming under the same ➤ By representative or assign of such person ➤ By agent of such person duly authorized by power of attorney in his favour ➤ If the person is resident of India, power of attorney must be executed before Registrar or sub-Registrar where the person is residing. If he is residing out of India, document of power of attorney can be executed before Notary Public, or any Court, Judge, Magistrate, Indian consul, vice consul or representative of Central Government. |
| <p>Appear in person for registration</p> | <ul style="list-style-type: none"> ▪ All persons executing the document or their representatives, assigns or agents holding power of attorney must appear before Registering Officer. – Section 34 ▪ They have to admit execution and sign the document in presence of Registrar, as required under. – Section 58 ▪ Appearance may be simultaneous or at different times – Section 34 ▪ If some of the persons are unable to appear within 4 months, further time upto additional 4 months can be given on payment of fine upto 10 times the proper registration fee. ▪ If document relates to transfer of ownership of immovable property, passport size photograph and finger prints of each buyer |

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| | <p>and seller of such property shall be affixed to document. The Registrar is required to ensure that these are endorsed on the document.</p> <ul style="list-style-type: none"> ▪ Following persons are exempt from personally appearing before the Registrar, if they have executed the document in official capacity : <ul style="list-style-type: none"> ➤ Officer of Government ➤ Official Trustee or Official Assignee ➤ Sheriff, Receiver or Registrar of High court ➤ Holder of public office as may be notified State Government in Official Gazette – Section 88 | |
| <p>Procedure for registration</p> | <ul style="list-style-type: none"> ▪ Following procedure should be followed after document is filed. : | |
| | <p>Inquiry by Registration officer</p> | <ul style="list-style-type: none"> ▪ The registration officer will : <ul style="list-style-type: none"> ➤ Enquire whether the persons purported to have executed the document have indeed executed it. ➤ Satisfy himself about identify of persons who are personally appearing before him – normally through witnesses. ▪ Satisfy himself about right of persons who are appearing as representatives or authorized agents. |
| | <p>Registration</p> | <ul style="list-style-type: none"> ▪ If the Registering Officer is satisfied about identity of persons and if they admit about execution of documents, and after registration fees are paid, the registering officer will register the document. – Section 35 ▪ He will make necessary entries in the Register maintained by him. ▪ Registrar shall make necessary entry and he will issue receipt of the document to the person presenting the document ▪ The document accepted for registration shall be copied in the prescribed book. ▪ A consecutive serial number has to be given to the document. This number should start fresh every year and continue till end of the year. – Section 53 |
| <p>Certificate of registration</p> | <ul style="list-style-type: none"> ▪ After all formalities are complete, the Registering Officer will endorse the document with word “Registered”, and sign the same. ▪ After registration, the document will be returned to the person who presented the document – Section 61 | |

7. REFUSAL TO REGISTER DOCUMENTS

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| <p>When Registrar refuse to register? (Section 35)</p> | <ul style="list-style-type: none"> ▪ The Registering Officer shall refuse to register document as per Section 35 in following cases : <ul style="list-style-type: none"> ➤ Any person who is purported to have executed a document denies its execution. ➤ If any such person appears to be minor, idiot or lunatic ➤ Any person who has executed the document is dead and his representative or assign denies execution of document. ➤ Interlineations, blank, erasures or alterations are not attested by signatures or initials – Section 20 ➤ Description of property not sufficient to identify the same – Section 21 ➤ Presentation is out of time – Section 25, or failure to pay fine in prescribed time for late presentation of the document ➤ Presentation of document at wrong registration office, i.e. at office other than prescribed in section 28 ➤ Non-payment of fees for registration ➤ Presentation of document by a person who is not authorized to present the document under section 32 (under section 32, only executing person, his representative or assign or agent authorized by power of attorney can present the document) ➤ Non-appearance of person before Registering Officer within 4 months, as required under section 34 |
| <p>Remedy against refusal</p> | <ul style="list-style-type: none"> ▪ If registration is refused, the Sub-Registrar has to issue an order for refusal – Section 71 ▪ Appeal against such order lies with Registrar. Appeal should be filed within 30 days. – Section 72 ▪ If the Registrar also refuses to order registration, a suit can be filed within 30 days in the Civil Court. – Section 77 |
| <p>No refusal if documents not properly stamped.</p> | <ul style="list-style-type: none"> ▪ In State of Punjab vs. Mohabir Singh – (1996), it has been held that if a document, in the opinion of Registrar, is under stamped, he still has to register the same and then make a reference to Collector. ▪ Registration cannot be refused on the round that the document is under-stamped. ▪ In Government of Tamilnadu vs. PV Enter (2000) also, it was held that documents must be registered and it cannot be withheld for assessing and fixing duty based on market value. After registration can take steps as provided in Statute. ▪ There is no provision in the Act that registration can be refused if the document is not properly stamped. ▪ Indian Stamp Act makes provision for impounding the document if it is not properly stamped. However, there is no provision that the registration can be refused or kept pending on that ground. |

8. REGISTRATION OF WILL

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| Registration of Will | <ul style="list-style-type: none"> ➤ Registration of Will is optional. ➤ Any person claiming under the will or executor of the will can present the will for registration on be testator himself, or after his death – Section 40(1) ➤ Similarly, donor of authority to adopt a son can present the authority. After his death, the authority can be presented by done or adopted son. – Section 40(2) ➤ If the testator or donor presents the will, Registering Officer will register documents in same manner as other document – Section 41(1) ➤ However, if document is presented by beneficiary, it will be registered only if Registering Officer is satisfied that : <ul style="list-style-type: none"> ➤ The document was indeed executed by testator or donor and ➤ The testator or donor is dead and ➤ The person presenting will or authority is entitled to present the same – Section 41(2) |
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9. REGISTRATION – EFFECT

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| Effect of registration | <ul style="list-style-type: none"> ➤ Registration gives very valuable rights. On the contrary, if document is not registered, it value becomes almost nil. ➤ A document takes effect from its date of execution and not from date of registration. However, if the document states that it will be effective from a particular date, it will be effective from that date – Section 47 ➤ Registration of a document gives following rights : ➤ A document in respect of immovable property is registered; all persons dealing with that property are deemed to have notice of the registered deed. ➤ Any non-testamentary document registered under the Act takes effect against any oral agreement relating to the property. The only exceptions are : <ul style="list-style-type: none"> - If possession of property (movable or immovable) is delivered on basis of such oral agreement and such delivery of possession is valid transfer under any law. - Mortgage by deposit of title deeds takes effect against any mortgage deed subsequently executed and registered which relates to same property. – Section 48 ➤ A document relating to immovable property which is required to be registered and accordingly registered takes effect against any un-registered document in relation to same property. This is so whether the un-registered document is executed before or after the document, which has been registered. The only exception is lease of immovable property for less than one year, which is not required to be registered under the Act. – Section 50 ➤ If two documents in respect of same property are registered, the document executed first has priority, even if it is registered |
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| | <p>later. This is because as per section 47, the registered document takes effect retrospectively from the date of execution and not from date of registration</p> <ul style="list-style-type: none">➤ Document when registered takes effect from date of its execution and not from date of registration |
| Effect of non-registration | <ul style="list-style-type: none">▪ If a document which is required to be registered under section 17 or under provisions of Transfer of Property Act, 1882 is not registered, the effect is that such un-registered document :<ul style="list-style-type: none">➤ Does not affect any immovable property comprised therein➤ Does not confer any power to adopt (a son)➤ Cannot be received as evidence of any transaction affecting such property or conferring such power➤ Cannot be accepted as evidence of part performance under Section 43A of Transfer of Property Act, when possession is required to be transferred to transferee.▪ Thus, the document becomes redundant and useless for all practical purposes. Such document can be accepted only for following limited purposes :<ul style="list-style-type: none">➤ Evidence of a contract in a suit for specific performance under Specific Relief Act.➤ Evidence of any collateral transaction not required to be registered – Section 49 |

CASE BASED QUESTIONS

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| Q – 1 | What are the objectives of Registration Act, 1908? |
| Ans. | Refer Paragraph No. 1 |
| Q – 2 | What are the requirements for registration of documents under Registration Act, 1908? |
| Ans. | Refer Paragraph No. 3 |
| Q – 3 | A document executed on 2nd January 2015 was presented for registration under the Registration Act, 1908 on 31st August 2015. The registering authorities refused to accept the document for registration on the ground that it was time-barred. Decide. |
| Ans. | Refer Paragraph No. 4 |
| Q – 4 | Ajit sells a house to Baljit by a written document in 1997 and delivers possession thereof to Baljit. But the document is not registered. After 1 year, Ajit sues Baljit to take back possession of the house on the ground that because of non-registration, the document has no validity. Will Ajit succeed? |
| Ans. | Ajit will not succeed. As per Section 49, if any document is required to be registered and it is not registered. It will not be admitted as evidence under Indian Evidence Act, 1972. However, under Transfer of Property Act document can be used as evidence if document is proof of part performance of a contract and plaintiff is willing to perform his part of deal. In this question, subject matter attracts provision of Section 53A. |
| Q – 5 | State whether registration is compulsory or not for the following document : comprise decree which creates for the first time any right, title or interest in immovable property. |
| Ans. | Yes, it requires registration |
| Q – 6 | State whether registration is compulsory or not for the following document : An award of arbitrator creating right, title or interest in immovable property. |
| Ans. | An award of Arbitrator creating right, title or interest in immovable property requires registration – Satish Kumar vs. Surender Kumar However, registration of Arbitrator's Award is necessary only if title is founded on the award. If the award contains a mere declaration of pre-existing right, the award is not creating a right, title and interest. Then it is not required to be compulsorily registered. – Sardar Singh vs. Smt. Krishna Devi |
| Q – 7 | State whether registration is compulsorily or not for the following document : Consent decree which operates as release of immovable property. |
| Ans. | Not require registration |
| Q – 8 | State whether registration is compulsorily or not for the following document : Right to catch fish in tank giving lease more than one year. |
| Ans. | Right to catch fish in tank giving lease more than one year requires to be stamped and registered – Santosh Jayasmal vs. State of MP In Anand Behra vs. State of Orissa , it was held that sale of right to catch fish in lake is benefit arising out of land and as such is immovable property. |

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| Q – 9 | State whether registration is compulsorily or not for the following document : A document incapable of valuation (to decide whether it is over Rs.100 or not) |
| Ans. | A document incapable of valuation (to decide whether it is over Rs.100 or not) is not required to be compulsorily registered. – Mithilesh Kumar vs. Manohar Lal . In this case, the agreement was for restricting the right of use of property and hence was not capable of valuation. A document incapable of valuation need not be registered. – Varghese Paul vs. Narayanan Nair |
| Q – 10 | When registrar shall refuse to register document? |
| Ans. | Refer Paragraph No.7 |
| Q – 11 | Can a will be registered in case of immovable property located anywhere in Delhi in any sub-registrar office of Delhi? |
| Ans. | As per Section 29 of the Indian Registration Act, 1908, will may be presented for registration either in the office of the concerned Sub-Registrar or in the office of any other sub-Registrar under the state government at which all the persons executing and claiming under the document desire the same to be registered. |
| Q – 12 | Can a will be registered even after death of testator? |
| Ans. | Yes, claiming party under the will have to produce will, records relating to the death of the testator, witnesses and the scribe before the Sub-Registrar. If Sub-Registrar is satisfied about the truth and genuineness of the execution of the will, he will register. There is a procedure called “will enquiry” to be followed by the Registrar / Sub-Registrar to register a will presented after the death of the testator. |
| Q – 13 | Is it necessary to incorporate full description of the property in the documents compulsorily required to be registered? |
| Ans. | Yes, it is necessary to incorporate full description along with map / plan / details of adjoining houses or streets etc. to the boundaries of the property to which a document relates. It should be with reference to the survey number / Town survey number / House number and the village / street / locality, etc. (Sections 21 and 22 of the Registration Act, 1908) |
| Q – 14 | Can the document presented for registration be withdrawn? |
| Ans. | Registering officer may permit withdrawal of the document before completion of registration on written request by the party who presented the document in case only, if the document has been presented by the claimant but not by the executants. |
| Q – 15 | Is it necessary to register deed relating to transfer or assignment of decree relating to immovable property? |
| Ans. | If value of the property involved in decree is Rs.100 or more and creates, declares, transfer, limit or extinguish right it should be compulsorily registered (Section 17(e) of Registration Act) |

EXAM QUESTIONS

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| Q – 1 | State documents which are required to be compulsorily registered under the Registration Act, 1908. (CS June 2010) Or What is 'non-testamentary document'? Name any two non-testamentary documents. Are all non-testamentary documents required to be registered? (CS December 2001) |
| Ans. | Refer paragraph No.2 |
| Q – 2 | Under the Registration Act, 1908, certain documents are not required to be registered compulsorily. Name them. (CS June 2008) State the documents of which registration is optional (CS June 2009, 2011) Or Mention the documents which are not required to be registered compulsorily under the Registration Act, 1908. (CS December 2011) |
| Ans. | Refer Paragraph No.2 |
| Q – 3 | A document was executed by several persons at different times. The person in favour such execution was made presented the document for re-registration after expiry of three months. Can such document be registered and if so, within what period? (CS December 2008, June 2011) Or Can the registering officer accept a document executed out on India? (CS June 2001) |
| Ans. | Refer Paragraph No.4 |
| Q – 4 | Briefly explain the law relating to the place for registering documents pertaining to land and other documents (CS December 2005) Or State the place where documents effecting immovable property may be presented for registration under the Registration Act, 1908. (CS June 2006, 2012) |
| Ans. | Refer Paragraph No.5 |
| Q – 5 | Akhilesh executes a sale deed of a house in favour of Brijesh. The house is situated at Patna. Akhilesh wants to get the sale deed registered at Delhi. Can he do so? (CS June 2006) |
| Ans. | Akhilesh cannot do so. He is required to register the sale deed in office of the Sub-registrar of Patna within whose jurisdiction property is situated. Please refer paragraph no. 5 |
| Q – 6 | Discuss the remedies available to a person who has been refused to register a document by a sub-registrar. Can registration of documents be refused on the ground of under-valuation for stamp duty? (CS June 2007) |
| Ans. | Refer Paragraph No.6 |
| Q – 7 | By an agreement, Anamika transferred to Bipasha a decree of a court by which she was entitled to possess 500 bighas of land. Is it necessary to register such a transfer under the Registration act, 1908? (CS June 2006) |
| Ans. | As per Section 17(1)(d) of the Registration Act, 1908, the transfer of any decree by which an interest of Rs.100 or more in immovable property is created, altered or diminished needs to be registered to be effective. Hence, the agreement by which Anamika transfers to Bipasha a court decree that entitles her to possess five hundred bighas of land is required to be registered. |

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| Q – 8 | Write short note on – Effect of non-registration of documents required to be compulsorily registered. (CS June 2006) Or State the effect of non-registration of documents required to be registered under the Registration Act, 1908. (CS June 2014, December 2014) |
| Ans. | Please. Refer Paragraph No.9 |
| Q – 9 | Is a 'will' required to be registered under the, Registration Act, 1908? State the benefits of registration of a will, if any. (CS December 2013) |
| Ans. | Please. Refer Paragraph No.8-9 |
| Q – 10 | What are the cases in which a compulsorily registrable document can be used in evidence, even if it has not been registered? (CS December 2014) |
| Ans. | Refer Paragraph No.9 |
| Q – 11 | Ajoy has executed a gift deed in favour of Bijoy. But prior to the registration of gift deed. Ajoy dies. Ajoy has already given the delivery of possession to Bijoy. The heirs of Ajoy's wished to register the gift. Bijoy's brother objected on the ground that it being a non-registered gift in the lifetime of Ajoy. It could not be registered after the death of donor. Decide the validity of gift on the ground of non-registration of gift deed. CS December 2006) Or Ankur has made a gift of a house to Bhaskar. Ankur has signed on the gift deed and handed over the possession of the house to Bhaskar. Ankur did not want gift deed to be registered. After sometime, Ankur dies. There was a long delay in the registration of the gift deed. Whether the period of delay may be condoned by the Registrar for the registration of gift deed even after the death of the donor under the Registration act, 1908. (CS December 2007) |
| Ans. | Section 17 of the Registration Act, 1908 gift of immovable property is document the registration of which is compulsorily under the Act. However, it is not necessary that the deed be registered during the life of the donor. Even if it is subsequently registered, it will have the same effect as if it had been registered from the date of execution. As per section 23 of the Act, document should be registered within time limit of four months from execution. This time can be extended upto eight months in cases of urgent necessity by registrar on showing sufficient cause for the delay. In the given case, Ajoy executed a gift deed in favour of Bijoy, who failed to get it registered during the lifetime of Ajoy. Later, after Ajoy's death, it was presented to the Registrar for registration. Bijoy's brother raised an objection, contending that since the gift was unregistered during the lifetime of Ajoy. It cannot subsequently be registered validity. However, it is provided in the act that a gift deed can be registered anytime within the period specified under the act, and even a subsequent registration will have the same effect as if it was registered upon execution. As in the case of Kalyana Sundaram Pillai vs. Karuppa Moppanar , non-registration of the deed will not render the gift invalid and if it is presented within the proper timeframe, it can be duly registered. |
| Q – 12 | Bijoy executed a contract for purchasing a piece of land in Delhi from Ajoy. Just after the execution of contract, Bijoy proceeded to English and he is not expected to return to India before six months. Chirag, a good friend of Ajoy who has general power of attorney to act on behalf of Bijoy, gets the said sale deed registered. Is this registration valid? (CS June 2007) |
| Ans. | As per Section 32 of the Registration Act, 1908, a document can be presented for registration by the executants or persons claiming under him or by the legal representative or assignee or by their appointed agent, who has been authorized to do so by a special power of attorney. In view of the above provision, a general power of attorney is not acceptable. Special power |

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| | of attorney needs to be executed before and authenticated by the Registrar within whose jurisdiction the person giving it resides. Accordingly, registration effected by Chirag who does not hold a special power of attorney is not valid. |
| Q – 13 | Gautam executed a document on 20th October, 2007 in favour of Thomas. Thereafter, Gautam executed another document on 1st December 2007 in favour of Peter in respect of the same property. The document between Gautam and Thomas was registered on 15th January 2008 whereas the document between Gautam and Peter was registered on 15th December 2007. Which document gets priority and why? (CS December 2009) |
| Ans. | Section 47 of the Registration Act provide that as between two registered documents executed by the same person in respect of the same property to two different persons at two different, the one, which is executed first, has priority over the other, although the former deed is registered subsequently to the later one. In view of the above provisions, deed executed first by Gautam in favour of Thomas will get first priority. Here, deed was registered on 20 th October 2007 should have priority over other deed. |
| Q – 14 | A document was executed outside India and it was presented for registration after a lapse of four months from the date of its arrival in India. Whether the document may be accepted for registration by the Registrar? Decide. (CS June 2010) |
| Ans. | As per Registration Act, 1908, document executed by all or any party outside. India is registered within period of 4 months from its arrival in India. For registration, document shall be presented before Registrar within stipulated time along with fees. In the given case, document may not be accepted by Registrar for registration as it has been presented for registration after lapse of four months. |
| Q – 15 | Shyam executes a sale deed of a house in favour of Krishana. The house is situated in Faridabad, but the transferor and the transferee want the sale deed to be registered at Gurgaon, which has also a district court of Haryana State. Can they do so? Give reasons. (CS June 2012) |
| Ans. | As per Section 28 of Registration Act, 1908, every document affects or relates to immovable property shall be presented for registration in the office of a sub-registrar within whose sub-district the whole of some portion of the property is situated. In the given case, property is situated in Faridabad district of Haryana State. Gurgaon is different district of same State. Parties to document shall get sale deed registered only in Faridabad and not in Gurgaon, where property is situated. |