

PART III

Of the Registrable Documents

Documents of which registration is compulsory XX of 1866 VII of 1871 III of 1873

17.(1) The following documents shall be registered, if the property to which they relate is situate in a district in which and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877 or this Act, came or comes into force, namely--

- (a) instruments of gift of immovable property ;
- (b) other non -testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in Immovable property ;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration, on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and
- (d) leases of immovable property from year to year, or any term exceeding one year, or reserving a yearly rent ;
- (e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish whether in present or in future, any right, title or interest, whether vested or contingent of the value of one hundred rupees and upwards, to or in immovable property.

*Inserted by Transfer of property (Amendment) Supply Act (XXI of 1929.).

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

[(1-A). The documents containing contracts to transfer for consideration, any immovable property for the purpose of Section 53-A of the Transfer of Property Act, 1882, shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 and if such document are not registered on or after such commencement then, they shall have no effect for the purposes of the said Section 53-A]

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

- (i) any composition-deed ; or
- (ii) any instrument relating to shares in a joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immovable property ; or
- (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitle the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or
- (iv) any endroement upon or transfer of any debenture issued by any such Company ; or
- (v) any document not itself creating, declaring, assigning, limiting or extinguishing, any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguishing any such right, title or interest ; or

(*Vide Adptation of Laws Order, 1950 and 1937)

- (vi) any decree or order of a Court* except a decree or order expressed to be made on a compromise and comprising immovable property, other than that which is the subject matter of the suit or proceeding ; or
- (vii) any grant of immovable property by Government ;
or
- (viii) any instrument of partition made by a Revenue Officer ; or
- (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Loans Act, 1871, or the Land Improvement Loans Act, 1883 ; or

XXVI of 1871.
XIX of 1883.

Note : (i) All instrument of gifts of immovable property of any value must be registered. (*Protona Kolita Versus Mothea Kolita*, 11 W. R. 334).

(ii) It has been held in the suit *Winterscale versus Gopal Chandra Seal* (3 B. L. R. O. C. 90) that a deed by which a defendant covenanted to pay a monthly sum "for the use and hire of machinery sheds and a bungalow", is one relating to immovable property. Documents of this class should therefore be registered in Book 1.

(iii) The consideration mentioned in a deed of sale is to be taken as the value of the interest conveyed for registration purposes (*Rohini Debia versus Shib Chander Chatterjee*, 15 W.R. 558 *vesudev Moreshawar Vesudev Rama Babaji*, 11 Bom. H.C. A. C. 149).

(x) any order granting a loan under the Agriculturist' loan Act, 1884, or instrument for securing the repayment of a loan made under that Act ; or

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

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

(*Inserted by the Transfer of property (Amendment) supply Act. XXI of 1929)