

**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. Marulhi 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<sup>1</sup> [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<sup>1</sup> [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:

<sup>1</sup>[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)<sup>2</sup>, <sup>3</sup>[\*\*\*] 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).

of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

*Explanation.*— In cases where Act No. 16 of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 1971), or the Indian Registration Act, 1877 (3 of 1977), or this Act.

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 50, in sub-section (1), for the expression “clauses (a), (b), (c) and (d) of section 17”, substitute the expression “clauses (a), (b), (c), (d), (e), (f) and (g) of section 17”.  
[Vide Andhra Pradesh Act 4 of 1999, sec. 6 (w.e.f. 1-4-1999).]

##### Pondicherry:

In section 50, for *Explanation*, substitute the following *Explanation*, namely:—  
‘*Explanation.*—“Unregistered” means not registered according to any law in force before the 9th day of January, 1969 or this Act.’  
[Vide Pondicherry Act 17 of 1970, sec. 3 (w.e.f. 1-11-1970).]

##### Uttar Pradesh:

In section 50,—  
(i) in sub-section (1) after the words, figures and letters “and clauses (a) and (b) of section 18”, insert the words “as these clauses stood before their omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976”; and  
(ii) in sub-section (2), after the words and figures “proviso to sub-section (1) of section 17”, insert the words and figures “as the proviso stood before its omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976”.  
[Vide Uttar Pradesh Act 19 of 1981, sec. 9 (w.e.f. 1-8-1981).]

#### COMMENTS

Section 50 of the Registration Act, has to be read in the light of section 17 of the same Act and Section 91 of the Evidence Act. If this is done the word “affect” will be seen to be a compendious term for expressing the longer phrase “purporting or operating to create, declare, assign, limit or extinguish whether in present or in future, any right, title or interest whether vested or contingent”; *Saraswathamma v. Paddavva*, AIR 1923 Mad 297.

#### PART XI

### OF THE DUTIES AND POWERS OF REGISTERING OFFICERS

#### (A) As to the Register-books and Indexes

**51. Register-books to be kept in the several offices.**—(1) The following books shall be kept in the several offices hereinafter named, namely:—

A—In all registration offices—

- Book 1, “Register of non-testamentary documents relating to immovable property”.
- Book 2, “Record of reasons for refusal to register”.
- Book 3, “Register of wills and authorities to adopt”, and
- Book 4, “Miscellaneous Register”.

B—In the offices of Registrars—

- Book 5, “Register of deposits of wills”.

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property.

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

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 51, in sub-section (1), for the words “The following books”, substitute the words “The following books and the information storage devices as specified in sub-section (1) of section 16”.

[Vide Andhra Pradesh Act 16 of 1999, sec. 4 (w.e.f. 31-12-1998).]

##### Bihar:

In section 51, add the following sub-section, namely:—

“(5)(a) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy so prepared and authenticated shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion prepared and authenticated as aforesaid.

(b) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such book prepared and authenticated before the commencement of the Indian Registration (Bihar Amendment) Act, 1947, in pursuance of an order of the Registrar or the Inspector-General shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated.”

[Vide Bihar Act 14 of 1947, sec. 2 (w.e.f. 21-4-1947).]

##### Goa:

In section 51,—

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

“(2) In Book I shall be filed—

- (i) true copies of all documents, and
  - (ii) all memoranda, registered under sections 17, 18 and 39 which relate to immovable property, and are not Wills.”;
- (b) in sub-section (3) for the words “entered all documents”, substitute the words “filed true copies of all documents”.

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

##### Gujarat:

Same as in Maharashtra.

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

##### Karnataka:

(i) In section 51, in sub-section (2) and sub-section (3) amendments are the same as in Kerala.

(ii) in section 51, after sub-section (4), insert the following sub-section, namely:—

“(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger to being destroyed, or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit, to be reconstructed or, recopied as the case may be and authenticated in such manner as may be prescribed under section 69 and the copy prepared and authenticated under such direction shall for the purpose of this Act, be deemed to have taken the place of and to be the original book or portion

and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

[Vide Karnataka Act 41 of 1984, sec. 2 (w.e.f. 7-11-1986); Karnataka Act 55 of 1976, sec. 6 (w.e.f. 24-10-1976).]

**Kerala:**

In section 51,—

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

"(2) In Book 1 shall be filed—

(i) true copies of all documents; and

(ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property and are not wills";

(iii) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".

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

**Maharashtra:**

In section 51,—

(i) in sub-section (2), after the figures "89", insert the words and figures "sub-sections (2) and (4)".

[Vide Bombay Act 5 of 1929, sec. 7 (w.e.f. 22-5-1929) read with Act 35 of 1958, sec. 2 (w.e.f. 28-4-1958).]

(ii) after sub-section (4), add the following sub-section, namely:—

"(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69 and the copy prepared and authenticated under such direction shall, for the purposes of this Act be deemed to have taken the place of and to be the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so recopied and authenticated."

[Vide Bombay Act 24 of 1938, sec. 3 (w.e.f. 8-2-1939) read with Act 35 of 1958, sec. 2 (w.e.f. 28-4-1958).]

(iii) in sub-section (2), for the words "18 and 89, sub-sections (2) and (4)", substitute the words "and 18 and section 89 except sub-sections (1) and (3) thereof".

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

**Orissa:**

In section 51,—

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

"(2) In Book 1 shall be filed—

(i) true copies of all documents, and

(ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property, and are not wills";

(b) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents";

(c) after sub-section (4), insert the following sub-sections, namely:—

"(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69 and the copy so prepared and authenticated under such direction shall, for the purpose of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated.

(6) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such books prepared and authenticated before the commencement of the Registration (Orissa Amendment) Act, 1989, in pursuance of an order of the Registrar or the Inspector-General of Registration, shall, for the purposes of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

[Vide Orissa Act 14 of 1989, sec. 6 (w.e.f. 19-9-1989).]

**Pondicherry:**

With reference to the documents specified in the rules made under section 52(3) as obtaining in Pondicherry, section 51 shall stand modified as follows:—

Same as in Kerala (i) and (ii).

[Vide Pondicherry Act 17 of 1970, sec. 3 (w.e.f. 1-11-1970).]

**Tamil Nadu:**

In section 51, in sub-section (1),—

(i) for the expression "The following books", substitute the expression "The following books and the information storage devices";

(ii) at the end, add the following, namely:—

"C—In the office of the Registering Officer notified by the State Government under sub-section (1) of section 70B—

Information storage devices as specified in sub-section (2A) of section 16."

[Vide Tamil Nadu Act 50 of 2000, sec. 4 (w.e.f. 25-7-2000).]

**Tripura:**

In section 51,—

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

"(2) In Book 1 shall be:

(i) pasted true copies of all documents, and

(ii) filed all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property and are not wills."

(ii) in sub-section (3) for the word "entered", substitute the words "pasted true copies of".

[Vide Tripura Act 7 of 1982, sec. 6 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

(1) In section 51, for sub-sections (2) and (3), substitute the following sections, namely:—

"(2) In Book 1, shall be filed true copies of all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills:

Provided that where Book is in electronic form, all documents, after than wills, registered under aforesaid section or true copies thereof as the case may be, or memoranda shall be scanned in it and a printout thereof shall be kept permanently in Book 1.

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

Provided that where Book is in electronic form, all documents registered under the aforesaid clauses or their true copies, as the case may be, shall be scanned in it and a printout thereof shall be kept permanently in Book 4."

[Vide Uttar Pradesh Act 36 of 2001, sec. 9 (w.e.f. 20-2-2002).]

(2) After sub-section (4), insert the following sub-section, namely:—

"(5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob or other irresistible force, any or all of the books specified in sub-section (1) are destroyed or become illegible either wholly or partially and the State Government is of the opinion that it is necessary or expedient so to do, it may, by

order direct such book or such portion thereof as it thinks fit, to be re-copied, authenticated or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed shall, for the purpose of this Act and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion."

[Vide Uttar Pradesh Act 19 of 1981, sec. 10 (w.r.e.f. 1-8-1981).]

#### Tamil Nadu and West Bengal:

For modification in section 51, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

**52. Duties of registering officers when document presented.**—(1) (a) The day, hour and place of presentation, <sup>1</sup>[the photographs and finger prints affixed under section 32A], and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

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

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

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

#### STATE AMENDMENTS

##### Bihar:

In section 52, in sub-section (1),—

(i) in clause (a), after the words "every such document", insert the words "along with duplicate copy thereof" shall be inserted.

(ii) for clause (c), substitute the following clause, namely:—

"(c) subject to the provisions contained in section 62, every duplicate copy shall, without unnecessary delay, be verified from the document admitted for registration and be placed in proper book for being bound separately in the appropriate book for the document admitted to registration or according to the order of admission."

[Vide Bihar Ordinance 7 of 1997, sec. 3 (w.e.f. 11-8-1997).]

##### Delhi:

Same as in Punjab.

[Vide G.S.R. 465 of 1965, published in the Gazette of India, 1965, Pt. II, Sec. 3(i), p. 499 (w.e.f. 1-11-1966).]

##### Goa:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Goa Act 24 of 1985, sec. 6 (w.e.f. 5-12-1985).]

##### Himachal Pradesh:

Same as in Punjab.

[Vide Himachal Pradesh Act 2 of 1969, sec. 5 (w.e.f. 1-4-1969).]

##### Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 7 (w.e.f. 24-10-1976).]

1. Ins. by Act 48 of 2001, sec. 7 (w.e.f. 24-9-2001).

##### Kerala:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Kerala Act 7 of 1968, sec. 8 (w.e.f. 22-2-1968).]

##### Maharashtra and Gujarat:

For modification of section 52(1)(c), 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) and Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.

##### Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 7 (w.e.f. 19-9-1989).]

##### Pondicherry:

(a) In section 52, in sub-section (1),—

(i) in clause (a), at the end, add the word "and"; and

(ii) in clause (b), at the end, omit the word "and".

(b) After sub-section (1), insert the following sub-sections, namely:—

"(1A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1B) Subject to the provisions contained in section 62 and the rules made under sub-sections (3) and (4) and under section 89A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission."

(c) After sub-section (2), add the following sub-sections, namely:—

"(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under sub-section (1B).

(4) The true copy referred to in sub-section (1B) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf, and where such copy is handwritten, it shall be prepared by a scribe who shall be licensed for this purpose by the State Government on payment of such fees as may be prescribed.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules under sub-section (3), have effect, subject to the modifications set out in the Schedule."

[Vide Pondicherry Act 17 of 1970, sec. 4 (w.e.f. 1-11-1970).]

##### Punjab, Haryana and Chandigarh:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

"(c) Subject to the provisions contained in section 62, a copy of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated therefor according to the order of admission of the document."

[Vide Punjab Act 19 of 1961, sec. 4 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 89 (w.e.f. 1-11-1966).]

##### Rajasthan:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

"(c) Subject to the provisions contained in section 62, a true or photostat copy of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated therefor according to the order of its admission."

[Vide Rajasthan Act 11 of 1982, sec. 5 (w.e.f. 16-7-1982).]

##### Tamil Nadu:

Same as in Pondicherry.

[Vide Tamil Nadu Act 21 of 1966, sec. 2 (w.e.f. 1-4-1967).]