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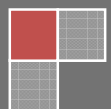
# Registration Rules (Kerala) 1958

*Updated as to the Notification No.RR.9-4120/2016, dated 19/07/2016*

ASHOKAN P R

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### REGISTRATION RULES (KERALA)

Under Section 69(2) of the Indian Registration Act, 1908  
(XVI of 1908).

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Kerala Gazette Extraordinary No.143 dated 27-12-1958

# REGISTRATION RULES (KERALA)

## Notification

*Trivandrum, dated 27<sup>th</sup> December 1958.*

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

(Sd.)

Inspector General of Registration.

## CHAPTER I OFFICE HOURS AND HOLIDAYS

1. The offices of all Registrars and Sub-Registrars shall be open for at least seven hours, a day, Sundays and holidays excepted. The usual hours shall be from 10.30 a.m. to 5.p.m., on all working days and these shall not be altered except with the approval of the Inspector General of Registration. If an alteration of these hours is sanctioned by the Inspector General, a notice showing the altered hours shall be affixed in a prominent place in each office for the information of the public.
2. <sup>1</sup>[In the offices of the Sub-Registrar, which function from 10 a.m. to 5 p.m. documents shall not be accounted for registration after 3.30 p.m. But in such offices which function from 10.15 a.m. to 5.15 p.m. documents shall be accepted for registration till 3.45 p.m. The remaining portion of the day shall be used for work in connection with the documents already accepted and for other miscellaneous items of work including the closing of accounts in those offices]<sup>1</sup>.
3. The holidays to be observed in registration offices are the holidays notified by the Government.
4. A document or a sealed cover purporting to contain a will shall not be accepted for registration or for deposit under Section 42 on Sundays and other authorised holidays, except in special urgent circumstances and on payment of the fee, if any, prescribed by Government in that behalf. When a document is accepted for registration under this rule, the fact should be reported to the higher authority explaining the urgency.

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

## CHAPTER II

### Sections 6 and 7 of the Act REGISTRATION OFFICERS

5. A Registering Officer shall, unless specially permitted by the Inspector General of Registration, live within his jurisdiction and at a distance not exceeding four kilometres from the office. A notice stating where the Registering Officer lives shall be affixed outside each Registration Office.
6. A Registrar shall report to the Inspector General of Registration, whenever he leaves his headquarters.
7. A Sub Registrar shall report to the Registrar, whenever he leaves his headquarters.
8. When two or more offices are established in a Sub-District as joint offices each of the officers appointed to the charge thereof shall be designated Joint Sub Registrar and shall have concurrent jurisdiction over the whole Sub-District.
9. (i) When a Joint Sub Registrar is appointed, either temporarily or permanently, to assist a Sub Registrar, he will have no separate office or establishment but will work side by side with the Sub Registrar, the documents registered by both of them being entered in the same returns and registers and indexed in the same sheets.  
(ii) In such cases, the registration of a document accepted by one officer shall be completed and the entry relating thereto authenticated by the same officer and not by the other.  
(iii) The senior of the two Sub Registrars shall sign and be designated as Sub Registrar and the other as Joint Sub-Registrar. The senior Sub Registrar will be in-charge of the administrative control of the office.
10. <sup>2</sup>[(1) In an office of the Sub-Registrar, when the Sub Registrar is absent the Joint Sub Registrar and in his absence the Junior Superintendent will be in-charge of the office. If there is no Joint Sub Registrar or Junior Superintendent, the Head Clerk and in his absence the senior most clerk with the test qualification in that office shall be in-charge and shall attend to the duties of the Sub Registrar.  
(2) The Junior Superintendent of an office of the Sub-Registrar or, where there is no Junior Superintendent, the Head Clerk of that office shall also be the Registering Officer for the purpose of Section 57 of the Registration Act. In discharging functions under that section they shall sign and designate themselves as “Junior Superintendent/Head Clerk exercising the powers of the Registering Officer”.]<sup>2</sup>
11. (1) When a Registrar is absent or on other duty the Sub-Registrar whose office has been amalgamated with the Registrar’s Office and when there are more such Sub-Registrars than one, the senior Sub Registrar of that office shall perform the duties of the Registrar excepting the work of inspection and the hearing of appeals and applications under Sections 72 and 73.  
(2) <sup>3</sup>[The District Registrar and the Sub-Registrar, whose office is so amalgamated shall not ordinarily be absent from the headquarters at the same time, whether on casual leave or otherwise. When both officers happen to be absent, the Junior Superintendent of the Registrar’s Office or the Junior Superintendent of the Office of the Sub Registrar whoever is senior, shall be in-charge and in their absence, Joint Sub Registrar if any, of the Amalgamated Office of the Sub Registrar or such other Sub Registrar as specially authorised by the Inspector General of Registration shall be the Sub Registrar of the amalgamated office during such absence.]<sup>3</sup>

## CHAPTER III

### Section 15 of the Act SEALS

12. (i) The seal shall always remain in the personal custody of the Registering Officer.
- (ii) It shall be used in authenticating:—
- (a) the certificates endorsed on a registered instrument under Section 60;
  - (b) powers-of-attorney attested under Section 33;
  - (c) summons and commissions issued under Sections 33 and 38;
  - (d) certified copies under Section 57;
  - (e) Memoranda and copies forwarded under Sections 64 to 67 and under Rules 28, 185, 186, 187(iii) and 188(iv);
  - (f) copies of orders of refusal to register, granted under Sections 71 and 76;
  - (g) copies other than those above referred to granted to parties;
  - (h) certificates and lists granted to applicants under Rules 168 and 169;
  - (i) copies of judgments of Registrars in appeal cases; and
  - (j) reproduced entries of old registers.
13. Should a Registering Officer find himself temporarily unprovided with the prescribed seal, registration shall nevertheless proceed as usual, and such documents as have been transcribed shall remain in his custody until the seal can be affixed to the registration certificate.

## CHAPTER IV

### Sections 16 and 51 of the Act BOOK AND FORMS

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

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

## CHAPTER V

### Section 19 of the Act LANGUAGES

21. English and Malayalam shall be deemed to be commonly used in the Kerala State. *Tamil* may be deemed to be commonly used in Peermade and Devikulam Sub-Districts of the Kottayam District and Chittur and Nemmara Sub-Districts in the Palghat District and *Canarese* in the Sub-Districts of Hosdrug, Kasargod, Manjeshwar and Trikarapur of Tellicherry District.
22. (i) The stamp vendor's endorsement on a document shall be considered to be part of the document, and if it is in a language not understood by the Registering Officer, the party concerned shall be required to file a translation.  
(ii) When a power-of-attorney is presented for attestation or when an attested power-of-attorney is produced by an agent with, or in connection with, a document presented for registration and the power-of-attorney is written in a language not commonly used in the District, the Registering Officer may, if he does not understand the language, demand a true translation of the power in a language commonly used in the District also being produced.  
(iii) The translation shall be certified to be a true translation and shall be signed by the presentant.  
(iv) [No fee is leviable for filing a translation, if the power-of attorney is or has been attested by a Registering Officer.] Deleted.  
(v) The copies and translations mentioned in this rule as well as in Rule 16, shall be in the form prescribed and supplied by the Department.

## CHAPTER VI

### Sections 21 and 22(1) of the Act DESCRIPTION OF PROPERTY

23. The description of the “territorial division” required by Section 21 of the Act shall, as far as practicable, give the following particulars:—
- (a) The Registration District,
  - (b) The Registration Sub-District,
  - (c) The Taluk and firka or proprietary estate,
  - (d) The amsom, village or pakuthy, desom, muri, kara or chery, hamlet or suburban, in which the property referred to in a registerable document is situated,
  - (e) The survey and sub-division number or numbers,
  - (f) The full description of the land, the boundary, the nature and tenure of the land concerned and the extent (of each survey of sub-division number of which the property is comprised in acres and cents and also in Hectares and Ares), both in figures and words:

*Provided that after the transition period of three years commencing 1<sup>st</sup> October, 1962, it shall not be necessary to express the extent in acres and cents.*

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

24. If property is described in a document by a specific reference to an instrument which has been already registered or of which a true copy has been filed under Section 65 or 66 in the Office in which the document is presented for registration and if that instrument contains the particulars required by Rule 23 and such a description of the property as is required by the rules in force, the description need not necessarily be repeated in the document.
25. Whenever any non-testamentary document presented for registration relates to land situate in any local area in respect of which the Government have issued a rule under Section 22(1) of the Act requiring description by reference to a Government map or survey, the Registering Officer shall satisfy himself that if the land comprises one or more entire survey fields or sub-divisions the document specifies the number of each field or subdivision and that if the land has no separate number assigned to it, the document specifies the number assigned to the field or subdivision in which the land is situated and further includes a description of land sufficient for its identification.
26. The description of property shall be given in the form of a schedule and shall contain such other particulars as may be prescribed by the Inspector General of Registration from time to time.



## CHAPTER VII

### Sections 19, 20, 21, 22, 28, 29, 32, 40 and 52 of the Act PRESENTATION AND EXAMINATION OF DOCUMENTS

**27. (a)** A document relating to immovable property which is situate partly within and partly without the areas to which the Indian Registration Act applies may be registered in the office of any Registering Officer within whose jurisdiction any portion of the property is situate; but in such a case the certificate of registration shall show that the registration has been effected only as regards that portion of the property which lies within the areas where the Registration Act, is applicable.

**(b)** A document relating to immovable property situated wholly outside the tracts to which the Indian Registration Act applies may be registered by a Registering Officer in Book 4, but the presentant shall be warned by a note below the registration certificate that its registration does not affect the right in the property.

**28.** A Registering Officer having jurisdiction to accept a document for registration at the time of its presentation to him shall complete its registration notwithstanding the fact that the village in which the property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document, but before completion of its registration. But when the document affects immovable property a memorandum shall be sent, without levy of any fee, to the office to whose jurisdiction the village has been transferred, for the purpose of being filed in file Book 1 of that office.

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

**29. (i)** A document for registration other than copy of a document forwarded under Section 89 of the Act shall be presented in person, with the prescribed fees, direct to the Registering Officer and not to a clerk or peon.

**(ii)** A document referred to in Section 88(2) may be presented through a messenger with a covering letter signed by the Government Officer or other person concerned referred to in Section 88(1) of the Act,

**(iii)** A document shall not be accepted if transmitted by post.

**30. (i)** A non-testamentary document presented for registration shall not be accepted unless it is attested by the Document-Writer and the scribe, if any, duly of licenced under the Document-Writer's Licence Rules for the time being in force:

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

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

**(iii)** Where any document which purports to transfer, assign, limit or extinguish the right, title of any person to or in immovable property valued at more than <sup>5</sup>[five lakh rupees]<sup>5</sup> no Registering Officer shall accept any such document unless accompanied by a certificate from the Income Tax Officer to the effect that—

- (a) Such transferor, assigner, etc. has either paid or made satisfactory provision for the payment of all the existing liabilities under the Indian Income Tax Act, 1961 (13 of 1961), the Excess Profits Tax Act, 1940 (15 of 1940), the Business Profits Tax Act, 1947 (21 of 1947), the Indian Income Tax Act, 1922 (11 of 1922), the Wealth Tax Act, 1957 (27 of 1957), the Expenditure Tax Act, 1957 (20 of 1957) and the Gift Tax Act, 1958 (18 of 1958); or
- (b) The registration of the document will not prejudicially affect the recovery of any existing liability under any of the afore said Acts.

<sup>6</sup>[(iii-A) No Registering Officer shall register any document which purports to transfer immovable property which lies within the area comprised in the “Trivandrum Development Authority” or the “Greater Cochin Development Authority” of such value exceeding 10 lakhs rupees unless a certificate from the appropriate authority constituted by the Central Government under Section 269 UB of the Income Tax Act, 1961 to the effect that it has no objection to the transfer of such property by such document is obtained and filed.]<sup>6</sup>

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

(v) Documents containing declarations as to the proprietorship of Trade Mark, shall not be accepted for registration unless such marks have already been registered as trade marks.

<sup>7</sup>[(vi) No document representing a release of chitty security, shall be registered, when presented before a Sub Registrar unless it is accompanied by a copy of the order of the Registrar of that chitty under sub-section (4) of Section 15 of the Kerala Chitties Act, 1975 (23 of 1975) or a certificate from such Registrar that the claims of all the subscribers of the chitty have been fully satisfied.

(vii) No document relating to any transfer of land shall be accepted for registration unless the transferor and the transferee make separate declarations in writing in duplicate in such form as may be prescribed under the Kerala Land Reforms Act, 1963 (1 of 1964) as to the total extent of land held by him.]<sup>7</sup>

<sup>8</sup>30A. (i) The Registering Officer shall not accept any document for Registration unless it is affixed with the Passport size photograph and impression/impressions of the left thumb or any of the fingers in the absence of left thumb of every person presenting the document at the proper Registration office, under Section 32.

(ii) A document relating to the transfer of ownership of immovable property shall not be accepted for registration unless the Passport size photograph/photographs and impression/impressions of the left thumb or any of the fingers in the absence of left thumb, of each buyer and seller of such property mentioned in the document are affixed in the document.

(iii) Every Passport size photograph and the impression/impressions of the left thumb or any of the fingers in the absence of left thumb, shall be affixed at the top of the first page and on documents bearing stamp prints immediately below the stamp print on the first page leaving sufficient space for affixing seal of the Registering Officer either at the left or the right bottom corner of the photograph and the space around it.

*Provided that, this rule shall not apply to documents executed on behalf of or in favour of the Government (State or Central), Constitutional Authorities, Statutory Bodies, Local Bodies, Bodies Corporate, Public Sector Companies, Public Sector Undertakings, Registered Co-operative Societies and also to Government Officers and public functionaries exempted under Section 88(1) of the Act, when they are acting in their official capacity.]<sup>8</sup>*

<sup>9</sup>[30B. The Registering officer not to register an instrument transferring land including flat/apartment if it is not accompanied by a valuation certificate issued by the competent authority under Section 28B of the Kerala Stamp Act, 1959 (17 of 1959).]<sup>9</sup>

31. Every document shall before acceptance for registration be examined by the Registering Officer to ensure that all the requirements prescribed in the Act, and in these rules have been complied with. If there is any informality in presentation of a nature which can be remedied, the Registering Officer shall give the party such information as may be necessary and return the fees and the document with a view to the document being presented again in due form. For instance, in cases such as those mentioned below he should explain the defect to the presentant: if the document is presented in the wrong officer; if an agent has come without a power-of-attorney or without such a power as the Act requires; if the description of the property is either insufficient for purposes of identification or does not fulfil the requirements of Chapter VI of these rules, if the document is not accompanied by a translation or by copy of a map when such translation or copy is necessary; if there are unattested interlineations, alterations, erasures or blanks, which the Registering Officer consider should be attested by the initials or signatures of the executants; if the date of execution is not given in the document, or if it is anterior to the date of purchase of the stamp paper on which the document is written or if the date is given according to both the Indian Calendar and the Malabar Era and these dates do not tally. The action of the Registering Officer in this respect shall be confined to advice and he shall not himself alter the document in any way.
32. (i) One side of the paper on which the document is written shall be left blank to admit of the prescribed endorsements and certificates being entered. This may however be relaxed in the case of documents executed by or on behalf of the Central or State Governments, which have been drawn up in forms approved by the respective Governments.  
(ii) Documents written in pencil or in any ink other than blue-black ink or black ink shall be inadmissible for registration.  
(iii) Sub-rules (i) and (ii) shall not apply to Wills presented for registration after the death of the testator.  
(iv) Documents may be printed or typewritten.
33. Each important interlineation, erasure or alteration occurring in a document shall, whenever possible be caused to be noted or described at the foot of the document and to be signed by the executant before the document is accepted for registration. This course is, however, unnecessary in respect of a document executed solely by a public functionary as such or of a copy received under Section 89 of the Act. In such cases it will suffice if the interlineation, erasure or alteration is attested by the officer concerned.
34. Every copy of a map or plan accompanying a document shall be certified to be a true copy and shall be attested by the signature of the person executing the document or his duly authorised agent.
35. When a document is presented for registration in duplicate or duplicates, the Registering Officer shall treat the duplicate or duplicates as such if they are exact reproductions of the original and bear the same date. Should any discrepancy be detected, the presentant shall be required to reconcile it before the document is accepted for registration. If the original contains a map or plan a copy shall be annexed to each such duplicate or duplicates.
36. (i) A document which relates to land shall, before it is accepted for registration, be checked with the survey numbers and sub-divisions in the subsidiary indexes maintained under Rule 149 and

also, when necessary, with the Settlement Registers in order that the Registering Officer may cause incorrect or fictitious numbers entered in the document to be rectified.

(ii) If a survey number or a sub-division number entered in a document is not found in the subsidiary indexes or Settlement Registers, the Registering Officer shall, if necessary, make a reference to the Revenue Department.

(iii) If the sub-divisions of a field are found in the subsidiary indexes or Settlement Registers and the field is described in the document without reference to any sub-division the document may be returned for rectification.

37. (i) If there are no impediments such as those mentioned above to the acceptance of a document for registration or if the document is presented again after any such impediments have been removed, the Registering Officer shall endorse on the document the date, the hour and minute, the place of presentation and the fees realised and take the signature of the presenting party to such endorsement.

(ii) If however, any of the impediments referred to above is discovered after the presentation endorsement has been made on the document, the document may be returned for correction or amendment, if the party so desires, with an endorsement to that effect. Should the document be presented again, a representation endorsement shall be made.

38. (i) If the period prescribed for presentation has elapsed, but the document is still admissible on payment of a fine, the Registering Officer shall, if he is a Sub Registrar, accept the document after collecting the prescribed fee and fine and record the admission of execution, and suspend its registration pending the orders of the Registrar.

(ii) If the document is chargeable with duty under the Stamp Act, for the time being in force, or surcharge, if any, and is not duly stamped, the Registering Officer shall impound it and forward it to the Collector, registration being suspended, or deal with it otherwise as prescribed thereunder.

(iii) Pending orders of the Registrar or prior to sending a document to the Collector, the Registering Officer, may, however, record the admission of execution and the examination of witnesses, if any. Recording of admission of execution is no impediment for refusal of registration <sup>10</sup>[if refusal]<sup>10</sup> is found necessary afterwards.

Before forwarding the document to the Collector the Registering Officer shall endorse on it, <sup>11</sup>["Impounded and forwarded to the Collector under Section 38 of the Indian Stamp Act and/or under Section 37 of the Kerala Stamp Act".]<sup>11</sup>

39. If the executant of, or a person who proposes to present a document is in doubt about the proper stamp and consults a Registering Officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the party at the same time that if he wishes to obtain an authoritative opinion, he must apply to the Collector, under the Stamp Act for the time being in force.

40. If a document is dutiable under the Court Fee Act, and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it, in order that the stamp duty or the deficiency in the stamp may be made good.

#### MINUTE BOOK

41. (i) Every Registering Officer shall maintain a "Minute Book" in such manner as the Inspector General of Registration may from time to time prescribe. In this book shall be recorded each day's proceedings in respect of every document on which a presentation endorsement has been made and which is neither admitted to registration nor refused registration on the day of

presentation. Proceedings in respect of a will or authority to adopt presented under Section 41 (2) or of a document presented for registration after the death of the executant or the executant of which dies before admitting execution shall be excluded.

(ii) A separate register shall be maintained, for recording the details in respect of documents admitted to registration but pending transcription.

## CHAPTER VIII

### Sections 25 and 34 of the Act

### DELAY IN PRESENTATION AND APPEARANCE

42. (i) A Registering Officer may require that the date of execution shall be entered in a document presented for registration whenever it is not found therein.

(ii) The date of execution of a document if the date on which it is signed by the party and the date which document bears at its head is not necessarily the date of its execution though it is prima facie so.

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

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

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

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

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

When the delay does not exceed one week after the expiration of the time allowed for presentation or appearance	A fine equal to the registration fee.
When the delay exceeds one week but does not exceed one calendar month.	A fine equal to twice the registration fee.
When the delay exceeds one month but does not exceed two months.	A fine equal to five times the registration fee.
When the delay exceeds two months but does not exceed four months.	A fine equal to ten times the registration fee.

#### Explanation.—

(1) The fine shall be levied in addition to the proper registration fee.

- (2) The term “registration fee” as used in this rule does not include the fees payable for registration under Section 30 or for filing a translation under Section 19 of the Act, or fees for copies and memoranda or for attendance at a private residence or extra copying fee.
- (3) In computing the time allowed for presentation of documents and appearance of executants the date of execution shall be excluded.
- 45.** When a document is presented for registration in duplicate or duplicates the fine leviable under Rule 44 shall be calculated as for one document only.
- 46.** Whenever a fine for delay in appearance is levied on more occasions than one in respect of one and the same document the amount of the fine leviable on the second and subsequent occasions shall be the difference, if any, between the total amount leviable up to the second or subsequent occasion and the fine or fines previously levied in respect of such document.
- 47.** (i) For the registration of a document the acceptance of which has been directed by the Registrar on payment of fine under Section 25 of the Act a period of four months is admissible in addition to the ordinary period of four months prescribed in Section 24. The executant must accordingly appear and admit execution within 8 months from the date of execution. If he fails to so appear a further period of four months for his appearance may be granted by the Registrar on payment of fine under the proviso to Section 34.
- (ii) Whenever an application under Section 25 or Section 34 is lodged with a Sub Registrar, he shall forward the same whether he considers the reason for delay to be satisfactory or not, for the orders of the Registrar, but as laid down in Rule 38(iii) there is no objection to his recording the admission of execution on such a document before forwarding the application to the Registrar.
- (iii) When the Registrar condones the delay either under Section 25(i) or under the proviso to Section 34(i) and directs either the acceptance of the document for registration or its registration as the case may be the Sub-Registrar on receipt of orders to that effect from the Registrar, shall make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date.
- “Acceptance for registration/admission to registration was directed by the Registrar ..... in his order No. .... dated ..... on payment of ..... under Section 25/Section 34 of the <sup>12</sup>[xxxx]<sup>12</sup> Registration Act, 1908.”
- Date: \_\_\_\_\_ Signature of the Registering Officer.

## CHAPTER IX

### Sections 31, 33 and 38 of the Act

### ATTENDANCE AT PRIVATE RESIDENCE

- 48.** In ordinary cases, the acceptance for registration of documents or deposit of wills shall be made only at the Registration Office. But in the case of persons referred to in the proviso to Sections 31, 33(1) and 38, the Registering Officer may attend at a private residence for the purpose of accepting or recording the admission of execution of a document or for accepting for deposit a sealed cover containing a will or for attesting a power-of-attorney or accepting an application for cancellation of a power-of-attorney.
- 49.** An application for attendance at a private residence shall be in writing and shall, in all possible cases, be signed by the person on whose behalf attendance is required. It need not be stamped.



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

(iv) Where consideration is paid in the presence of the Commissioner, he shall add the following to the endorsement:—

“I also certify that Rs. .... (or goods to be specified) were paid (or delivered) in my presence to the said A.B. by .....

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

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

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

Date:

Signature of Registering Officer.

55. A Commissioner may examine witnesses in the same manner as a Registering Officer and persons who may be required to give evidence before a Commissioner and who refuse to do so shall be subject to the penalties and punishments which they would incur for the same offence committed in a Registration Office.

56. A Registering Officer may examine the Commissioner personally in his office touching any of the circumstances connected with the discharge of his commission, especially with reference to the voluntary nature of the admission of execution.

## CHAPTER X

### Section 33 of the Act

### POWERS OF ATTORNEY

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

No. .... of 195....

Executed in my presence (at .....\*) at (give exact hour and minute) ..... this day ..... of 195..... by A.B., who is personally known to me/ or whose identity is proved by (signature of) C.D. (with addition) and (signature of) E.F. (with addition).

Date:

Signature of Registering Officer.

Seal.

\*Note.— To be filled in when the execution takes place at a place other than the Registering Office, e.g., a private residence.

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

<sup>13</sup> [“No. .... of 195..... Fee levied Rs .....”]<sup>13</sup>



I certify that I have satisfied myself on examining at ..... at ..... on ..... hours/ this ..... day of 195..... (signature of) A.B., who is a Gosha lady with the aid of ..... (signature of C.D.) hammamnee/ female attendant (with addition) that this power-of-attorney has been voluntarily executed by the said A.B., who purports to be the principal and who is personally known to me (or whose identity has been proved by (1) (E.F.) (Signature with addition) and (2) (G.H.) (Signature with addition).

Station: Signature of the Registering Officer with name and designation.

Date: Seal.

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

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

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

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

No ..... of 19.....

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

Date. Signature of Registering Officer.

**(ii)** If a document is presented for Registration under a general power-of-attorney, the power shall be returned with the following endorsement:—

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

Date. Signature of Registering Officer.

**(iii)** When a document is presented for registration by a person entitled to present it and execution is admitted by an agent under a power-of-attorney; the following endorsement shall be made on the power, which shall be retained and filed, or returned, according as it is a special or a general power:—

No ..... of 19.....

Presented in connection with document No . ..... of 19..... of Book .....  
 Volume .....

Date. Signature of Registering Officer.

**Note.**— Number required only in the case of a special power.

**59.** The endorsements prescribed in Rules 57 and 58 may be written in English or in the language in which the power of attorney is written.

**60.** A power-of-attorney maybe brought to a Registering Officer (1) for authentication, or (2) for registration, or (3) for both authentication and registration. In the first case, he shall merely make the entry prescribed for authentication; in the second case, he shall register the power in the same manner as any other document; and in the third case, he shall first authenticate the power and then admit it to registration in the usual manner.

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

<i>Year, Month and date of the power-of-attorney and attestation number with the name of the office in which it is attested</i>	<i>Name of the grantor</i>	<i>Name of the grantee</i>	<i>Local Limits in which the power-of-attorney had force</i>	<i>Year, month and date of revocation</i>
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Station.

Signature (in full) of applicant.

Date.

Signature of Registering Officer.

**(vii)** The Registering Officer shall send such notification duly signed by him to the Inspector General of Registration with a certificate of identification under sub-rule (iii) through the Registrar, and Inspector General of Registration will cause it to be published in the Government Gazette without delay.

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

- (ix) No Registering Officer shall thereupon take any action on such revoked power-of-attorney.
- (x) All the charges relating to the publication of such notification shall be borne by the party at whose instance it is published.
- (xi) Each Registration Office shall maintain a register of all revocations of powers-of-attorney. In this register shall also be entered the intimations of revocations if any received through Gazette and from the Registering Officers outside the State.
- (xii) A petition containing a request to the Registering Officer that the revocation of the power-of-attorney be intimated to any other Registering Officer, shall be complied with.

## CHAPTER XI

### Section 35 of the Act EXAMINATION OF PARTIES

#### A. Executing Parties

65. (i) The expression “A person executing a document” shall be held to include:—
- (a) Any person who becomes surety for the re-payment of a loan or the fulfilment of a contract and in that capacity affixes his signature to the document;
  - (b) Any person who endorses a negotiable instrument;
  - (c) Any person who signs a receipt or a discharge endorsed on a document;
  - (d) Any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness, even though he may not be described as an executant in the body of the document.
- (ii) In the case of a document purporting to be executed by an attorney or by a guardian of a minor, or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be a person executing the document for the purposes of Sections 32, 34, 35 and 58 of the Act, but for the purposes of Section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be executing parties.

#### B. Enquiry before registration

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

Arrangements may be made under this rule to exclude the general public during the course of the examination of a Ghosha lady who wishes to appear before the Registering Officer in his office. If she is however unwilling to appear before the Registering Officer in the office and wishes to be examined through a female attendant, the request may be complied with.

67. It forms no part of a Registering Officer's duty to enquire into the validity of a document <sup>14</sup>[except documents styled as marriage agreement]<sup>14</sup> brought to him for registration or to attend any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:—
- (a) That the parties appearing or about to appear before him are not the persons they profess to be;

- (b) That the document is forged;
  - (c) That the person appearing as a representative, assign or agent, has no right to appear in that capacity;
  - (d) That the executing party is not really dead, as alleged by the party applying for registration; or
  - (e) That the executing party is minor or an idiot or a lunatic.
- 68.** The term “representative” used in the Act includes not only the guardian of a minor and the curator of an idiot or a lunatic but also the executors, administrators and heirs of a deceased person. Satisfactory proof of the right of a person to appear in any of these capacities shall be adduced before he is permitted to present a document or to admit or deny its execution.
- 69.** A Registering Officer should form his own opinion as to whether a party appearing before him as executant of a document is a minor, a lunatic or an idiot. He is not expected to hold an elaborate enquiry although, if he so desires, he may examine on the point any one present in the office.
- 70.** When (i) a non-testamentary document is presented for registration after the death of the executant or (ii) the executant dies after presentation of a document by the claimant or his representative, assign or agent and before admission of execution, the Registering Officer shall ascertain by examining the presentant and the witnesses accompanying him who the representatives or assigns of the executant are and refer, if he considers necessary, to the Village Officer for information on this point. If any of the persons ascertained to be representatives or assign of the deceased executant are present in the office at the time of presentation of the document in case (i) or on the day fixed for the appearance of the executant in case (ii) and if the Registering Officer is satisfied of their representative character, he shall examine them on that day in regard to the execution of the document by the deceased. A day shall then be fixed for the appearance of any other persons claiming to be representatives or assigns for examination in connection with the document and summons shall be issued to such of the ascertained representatives as have not yet been examined. A notice of the fact of the intended enquiry shall be posted in the office premises and in the Village Office of the village in which the deceased resided and of the village or villages where the property affected by the document is situated. A notice shall be published in the Government Gazette also. The cost of the service of the notice and of its publication in the Gazette shall be levied from the person who presented the document for registration.

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

If, on the day fixed for examination, all the representatives who appear admit execution, or if persons claiming to be representatives have already appeared and have admitted execution and no representatives appear on the day fixed as aforesaid, the document shall be registered as regards the deceased executant. But if some of the representatives admit execution and others deny it, the registration shall, when the Registering Officer is a Sub Registrar, be refused. A Registrar in such a case will proceed under Sections 74 to 76 of the Act.

- 71.** A document executed by a Person who is unable to read shall be read out and, if necessary explained to him. A document written in a language not understood by the executing party shall,

in like manner, be interpreted to him. When a party to be examined is deaf, dumb or blind recourse must be had to the means by which he makes himself understood.

### C. Identification of parties

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

<sup>15</sup>**72A.** The Registering Officer shall also require the parties appearing before him to produce electoral identity card or passport or driving license or permanent account number card or ration card or identity card issued by the Government or any Authority controlled by Government to satisfy himself as to their identity.

Provided that production of electoral identity card or passport or ration card or driving license or permanent account number card or identity card issued by Government or any Authority controlled by Government, shall not be insisted from parties appearing in connection with documents executed on behalf of or in favour of the Government (State or Central), Constitutional Authorities, Statutory Bodies, Local Bodies, Bodies Corporate, Public Sector Companies, Public Sector Undertakings, Registered Co-operative Societies and also from Government Officers and public functionaries exempted under Section 88(1) of the Act, when they are acting in their official capacity.]<sup>15</sup>

<sup>16</sup>[Provided further that in case the ration card produced does not contain the photograph of the person whose identity is to be proved, a recent passport size photograph duly attested by a Gazetted Officer shall also be produced along with the ration card.]<sup>16</sup>

**73.** <sup>17</sup>**(i)** A Registering Officer shall require any executant or claimant regarding whose identity he has to satisfy himself, but who is not personally known to him to affix, in his presence, whether such person can write his name or not, the impression of the bulb of his left thumb both in the register of thumb impression maintained in each Registration Office as well as on the document presented for registration; provided, however, that such impressions may at the discretion of the Registering Officer, be dispensed with in cases where he is fully satisfied otherwise that the person appearing before him is the real person he professes himself to be. Identifying or other witnesses may also be required to affix similar impressions if the Registering Officer considers it necessary for their proper identification.]<sup>17</sup>

**(ii)** A messenger presenting a document under Rule 29(ii) shall not be required to prove his identity but shall be required to sign and if necessary affix his thumb impression to the endorsement of presentation.

**74. (i)** If the left thumb does not give a clear impression or is non-existent, the impression of any finger of the left hand shall be obtained. Failing this, the impression of the right thumb or if that also is non-existent or deformed, of any finger of the right hand, shall be taken. In obtaining the impression if the thumb is non-existent the next finger that is, the index finger shall be used and in its absence the next finger in the serial order shall be used. In cases where a digit other than the left thumb is used, the digit and the hand used shall be specified next to each impression taken on the document and below the impression in the thumb impression register with a note in the latter explaining why the impression of that particular digit was taken.

**(ii)** In the thumb impression register the impression shall be obtained in the serial order of the document numbers. In the column provided for the purpose the number, book and year of the document in connection with which an impression is taken, shall be entered by the Registering

Officer. In the case of an attested power-of-attorney the number assigned to the power attested and the date of execution or attestation shall be entered.

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

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

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

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

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

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

76. The signature of every person shall be taken next to his name in the register of thumb impressions. The Registering Officer himself shall in the case of a marksman write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression <sup>18</sup>[or signature]<sup>18</sup> is taken.

77. The Registering Officer shall add a certificate at the foot of each page of the thumb impression register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered <sup>19</sup>[against it]<sup>19</sup>. This certificate shall be signed and dated by the Registering Officer when the page is closed.

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

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

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

Impressions I to V on this page have been affixed in my presence and under my supervision by the persons whose names are entered <sup>20</sup>[against them]<sup>20</sup>.

Date.

Signature of the Registering Officer.

- 80.** If a person whose impression is taken bears personal marks of identity; such as natural deformities or other permanent peculiarities which can be noted without enquiry and the Registering Officer considers it desirable to keep a record of them as additional marks of identity a brief note shall be made by him below the party's signature in the thumb impression register.
- 81.** The Registering Officer shall not take with him the register of thumb impressions when attending at a private residence, but thumb impressions at such residences shall be obtained on separate impression slips in the prescribed form and one portion of the slip shall be pasted, with the initials and date of the Registering Officer added to them, in the <sup>21</sup>[appropriate cages]<sup>21</sup> in the thumb impression register. The other portion of the slips containing the impressions shall be forwarded to the Registrar along with the report of attendance at private residence which is finally lodged in the Registrar's Office. The slips shall contain a certificate in the following form:—
- “The impression on this slip or each impression on this slip was affixed in my presence and under my personal supervision by the person whose name is entered <sup>22</sup>[against it]<sup>22</sup>”.
- In the case of a Gosha lady who does not appear before the Registering Officer, the words “taken under my instructions from” shall be substituted for the words “affixed in my presence and under my personal supervision by” in this certificate.
- 82.** The thumb impression taken for office record by a Commissioner shall be on separate slips and shall be forwarded to the Registering Officer who issued the commission along with the Commissioner's report.

## CHAPTER XII

### Sections 36, 37, 38 and 39 of the Act

## ENFORCEMENT OF APPEARANCE OF EXECUTANTS AND WITNESSES

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

## CHAPTER XIII

### Sections 40 and 41 of the Act

## WILLS AND AUTHORITIES TO ADOPT

- 84. (1)** When a will or an authority to adopt is presented for registration after the death of the testator or the donor, the Registering Officer shall after endorsing thereon the date, hour and place of presentation, the fee realised and after obtaining the signature of the presenting party fix a day for the enquiry contemplated by Section 41(2) of the Act and shall cause notice of the enquiry (a) to be served on the persons to whom in his opinion special notice should be given; (b) to be pasted in a conspicuous part (i) of the registration office, (ii) of the house in which the testator or donor lived, (iii) of the villages where the testator or donor lived, where interested

parties may reside and where the property of the deceased is situated, and (c) to be published in the Government Gazette.

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

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

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

The witnesses whose signatures are affixed below have been examined under subsection (2) of Section 41 of the Indian Registration Act, 1908, in reference to the document:—

E.F. with addition  
G.H. do.  
I.J. do.

27<sup>th</sup> January 1958

Signature of Registering Officer.

K.L. with addition  
M.N. do.  
O.P. do.

28<sup>th</sup> January 1958

Signature of Registering Officer.

Q.R. with addition  
S.T. do.

30<sup>th</sup> January 1958

Signature of Registering Officer.

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

I am satisfied from the evidence of the witnesses whose signatures appear above:—

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

Date.

Signature of Registering Officer.

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



- 87.<sup>23</sup> [(i) Registering Officer when enquiring under Section 41(2) into the execution of a will or of an authority to adopt shall invariably before registering the document or refusing registration prepare and place on record a memorandum in the language in which the document is written or in which a translation thereof is presented, containing a summary of the evidence and reasons for registration or refusal as the case may be. A copy of any such memorandum prepared by Sub Registrar shall be submitted to the Registrar forthwith.]<sup>23</sup>
- (ii) When a will or authority to adopt is refused registration the refusal order to a re-production of the memorandum.
88. A will or authority to adopt presented for registration after the death of the testator or donor may be returned to the presentant unregistered, if he so desires, unless it appears that the document is forged.
89. A revocation or cancellation of a will or of an authority to adopt shall be treated as document of testamentary character and shall be registered in Book No. 3.
90. (i) Wills registered or refused registration in a Sub Registry Office which remain unclaimed for a period of over two years shall be forwarded to the Registrar's Office for safe custody, a note to that effect being entered against the original entry in the office returns.
- (ii) If the person entitled to claim the return of a will applies to a Sub Registrar for its return after the document has been transmitted to the Registrar's Office he should be advised to obtain it from the Registrar direct. If he is unwilling to do so, the will should be obtained from the Registrar by the Sub Registrar and returned to the person and a note of its receipt from the Registrar's Office and return to the person shall be entered in the office returns.

## CHAPTER XIV

### Sections 42 to 46 of the Act

### SEALED COVERS CONTAINING WILLS

91. (i) Every entry made under Section 43 of the Act in Book 5 shall be dated and signed by the Registrar.
- (ii) When a sealed cover is withdrawn under Section 44 of the Act, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.
92. When a will executed by two persons jointly is deposited under Section 42 of the Act by both of them in a sealed cover, a request by one of the testators for the withdrawal of the sealed cover after the death of the other testator shall not be complied with. The Registrar may however, after procuring satisfactory evidence as to the fact of the death, require the applicant to present an application under Section 45 of the Act for the opening of the cover and the copying, at the applicant's expense, of the Will in Book 3. He may then grant the applicant a copy of the will, if the applicant so desires.
93. (i) Wills sent by post to a Registering Officer are not presented for registration or deposited, within the meaning of the Act, and Sections 42 to 46 are therefore inapplicable to them.
- (ii) If a cover purporting to contain a will reaches a Registrar by post, he shall return it unopened. Should the cover however be retained in the office because the address of the person

to whom it should be returned is unknown, the Registrar shall record upon the cover the date of receipt and the fact that it was received by post and that it has not been secured under the Act as the terms thereof have not been complied with.

(iii) A will so received shall not be delivered to any applicant unless the Registrar is satisfied that such applicant is duly authorised to receive it, nor shall the cover be opened on an application under Section 45, as it has not been deposited according to the provisions of Section 42.

(iv) A cover purporting to contain a will which may reach a Sub Registrar by post shall be returned to the sender, or, if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under clause (2) of this rule.

(v) A Register shall be maintained in each Registrar's Office showing the sealed covers received, withdrawn and opened from time to time. In it shall also be entered wills received, by post by the Registrar and retained in the office under clause (2), wills forwarded by Sub Registrars under sub-rule (4) and under Rule 90(1) and Wills registered or refused registration in the Registrar's Office and lying unclaimed for over two years.

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

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

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

**94. (i)** When a sealed cover containing a will is opened under Section 45 of the Act, the following endorsements shall be made on the will:—

Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of (signature and addition) this day of ..... 195...

Signature of Registrar.

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

Date.

Seal.

Signature of Registrar.

**(ii)** When a sealed cover containing a will is opened under an order of a Court and copied in Register Book 3 under Section 46 of the Act, the fact shall be noted in Register Book 5 in the column headed "number of document in Book 3" the following endorsement shall be made on the will itself:—

Opened and copied in Book 3 as No ..... of 19....., Volume ..... page ..... and forwarded to the Court (here specify name of the Court) pursuant to its order No ..... dated 19....

Date.

Seal.

Signature of the Registrar.

95. When a will is forwarded to a Court it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying in view to these being collected by the Court and remitted to the Registrar. An acknowledgement of the receipt by the Court of the cover or will shall also be obtained and filed in the office.
96. When a citation is issued by a Court to produce or forward a will deposited with the Registrar under Section 43, it shall be sent through a clerk in a sealed cover or when this is not practicable by registered post, acknowledgement due.
97. When a sealed cover containing a will is opened, the cover which contains the depositor's superscriptions and the Registrar's endorsement shall be preserved carefully or a record maintained as to its disposal.

## CHAPTER XV

### Sections 52, 58, 59 and 60 of the Act ENDORSEMENTS AND CERTIFICATES

98. (i) The endorsement prescribed by Sections 52 and 58 of the Act and the certificate prescribed by Section 60 shall be written by the Registering Officer himself in the form prescribed in Appendix-V or as near thereto as circumstances permit <sup>24</sup>[unless he has been specially authorised by the Inspector General of Registration to use an endorsement stamp.]<sup>24</sup>
  - (ii) The presentants, executants and the witnesses may be required to write their names and additions themselves in the endorsements made on documents, when they are able to do so.
  - (iii) The names and addition of a party who is required to sign in the endorsements but who is not able to do so shall be written by the Registering Officer himself. Where the addition is entered by the party himself [sub-rule (ii)] the Registering Officer shall satisfy himself that the addition as entered is complete and that it corresponds with the details given in the document or statement made by the party.
  - <sup>25</sup>(iv) The endorsement stamps referred to in clause (i) shall be retained in the personal custody of the Registering Officer and when not in use, shall be kept in a sealed bag. The impressions on documents shall be made, the endorsements and certificates shall be signed, and the blank spaces therein filled in by the Registering Officer in his own hand.]<sup>25</sup>
99. An executing party shall be required to use the same language in signing the endorsements as he has used in signing the instrument.
100. The Registering Officer shall ordinarily write the endorsements on documents in the language in which it is written or a translation thereof is presented.
101. If there is not sufficient blank space in the instrument for the endorsement and certificate, they may be entered on a separate slip or sheet of paper which shall be attached to the document, and a note of the fact shall be made on the document itself and signed by the Registering Officer. A note shall also be made on the sheet of paper so attached, so as to indicate clearly, the document of which the sheet forms a part and this note shall be signed by the Registering Officer.
102. <sup>26</sup>[When a document occupies more than one sheet of paper, the number of the document of which the sheet forms a part, the total number of sheets which the document consists of the number of the sheet and the signature of the Registering Officer, shall be endorsed on all the

sheets, when the document is admitted to registration, and the seal and date of registration affixed to the endorsements when furnishing the registration certificates.]<sup>26</sup>

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

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

**104.** When a document is executed by a person as a guardian or an agent he shall be described as such in the registration endorsement.

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

**(ii)** When there are more persons than one under the guardianship of a single person, the registration endorsement need contain only one signature on behalf of all such persons, but all their names shall be specified.

**106. (i)** When a person presents or admits execution of a document for another under a power-of-attorney, the Registering Officer’s endorsement should state the date and place of attestation of such power.

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

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

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

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

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

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

**(iv)** If any person admits execution of a document presented for registration, but denies the receipt in whole or in part of the consideration recited therein, registration shall not be refused



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

## CHAPTER XVI

### Sections 52 and 61 of the Act

## RECEIPTS FOR DOCUMENTS AND FOR FEES AND RETURN OF DOCUMENTS

- 114.** (i) A receipt shall be granted for each document presented for registration, for each power-of-attorney presented for authentication and for each sealed cover deposited and for every fee or fine levied by a Registering Officer.
- (ii) An application for transfer of revenue registry presented with a document shall be acknowledged in the receipt for the document.
- (iii) When the fees consist of several items, each item shall be separately entered in the receipt so as to admit of any overcharge being traced. In the case of copying fees the number of sheets or words for which fee was levied and in the case of mileage, the number of miles, shall be entered.
- (iv) The requisite entries shall be made and signed <sup>27</sup>[in duplicate receipt with copying pencil using double faced carbon paper]<sup>27</sup> and the duplicate given to the party concerned.
- (v) No Registering Officer shall in any case issue copies or duplicates of receipts in lieu of those alleged to be lost or missing. In such cases, he may grant a certificate stating that he finds from the accounts or records that a certain sum has been received from a certain party on a certain account.
- 115.** The receipt for a document shall be handed over to the person presenting the document or to his nominee, after obtaining in the counterfoil the signature of the presentant to the endorsement of nomination, and also the signature of the nominee, for the purpose of comparison when the nominee appears to take back the document.
- 116.** (i) If a document is ready for transcription on the day of its presentation, the day and hour when it will be ready for return shall be endorsed on the receipt. In the case of a document returned pending an enquiry or a reference, the day and hour of return shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If, however, in the later case the receipt is produced on the day when the document is ready for transcription and the document cannot be returned on that day, the information may be endorsed on the receipt itself.
- (ii) When a document is not ready for return on the date entered on the receipt or in the notice, the entry of that day shall if the receipt or notice is produced before the Registering Officer, be cancelled and the probable latter date on which the document will be ready shall be entered under the initials of Registering Officer.
- (iii) Corresponding entries and corrections shall be made in the counterfoil.
- 117.** A document shall, if possible, be returned on the date of its admission to registration.
- 118.** In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the Registering Officer shall thereupon obtain his signature to the acknowledgement in the counterfoil and return both the document and the receipt after endorsing on the latter the date of its return and initialling this entry. A person entitled to claim

back a document who is known to the Registering Officer may obtain the return of a document by sending the receipt to the Registering Officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The document may then be handed over to the messenger after his acknowledgements and thumb impression have been taken in the counterfoil of the receipt, the receipt being retained in the office and pasted to the counterfoil.

**119.** (i) In the event of a receipt being lost, the person who should have produced it may receive the document on making and signing on the counterfoil of a declaration of the loss and, if required by the Registering Officer, affixing his thumb impression thereto.

(ii) In the event of the presentant of a document dying before taking back the document, the representative or representatives of the deceased may receive the same on producing the receipt and a certificate of heirship from the Village Officer of the village in which the deceased lived. If the receipt is lost, the representative or representatives may receive the document on making and signing a declaration as prescribed in sub-rule (i).

**120.** (i) When a nominee fails to take back a document within seven days from the date noted on the receipt as that on which it will be ready for delivery, the nomination may be revoked by the person by whom it was made by an entry signed by him to the effect in the counterfoil.

(ii) In the event of a nominee dying before taking back the document and before the nomination is revoked as mentioned in sub-rule (1), the Registrar may, in his discretion, order the document being returned either to the presentant or to the representative or representatives of the deceased person.

**121.** When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail, unless such party can satisfy the Registering Officer that he has applied to a competent Court for an injunction to restrain the Registering Officer from returning the document.

**122.** When an impounded document is received back from the Collector after adjudication of stamp duty, the Registering Officer shall immediately give notice in writing to the presentant or to the person authorised by the presentant to take delivery of the document, either to take steps to complete the registration of the document or to take delivery of the document.

**123.** <sup>28</sup>[When proceeding to attend at a private residence, the receipt book shall not be taken by the Registering Officer. For the fee realised from the party the Registering Officer shall draw up a provisional receipt in duplicate by carbon process in the form prescribed by the Inspector-General of Registration and the carbon copy thereof shall be issued to the party. The original of the receipt shall be retained and kept serially numbered by the Registering Officer, in separate bundles for each year. In such cases, nomination to take back the document, if any, shall be obtained in a separate slip which shall be initialled and dated by the Registering Officer. On returning to office, regular fee receipts shall be drawn up in the usual manner and the nomination slip if any obtained shall be pasted on the back of the regular receipt to be retained as office copy. When the party or nominee comes to take delivery of the document, the regular receipt shall be handed over to him, after obtaining the provisional receipt originally issued at the residence, which shall also be pasted along with the office copy of the concerned regular fee receipt.]<sup>28</sup>

**124.** These rules do not contemplate the return of a document by Post, but a document may be so returned if the presentant or his nominee desires this course to be followed, and at his own risk, and at his expense, subject to the conditions mentioned below:—

- (i) The presentant or his nominee shall sign an endorsement on the counterfoil of the receipt authorising the return of the document or documents by registered post to an address to be specified and shall deposit therefore the actual cost of postage, the postal registration fee, and the fee for obtaining the acknowledgement of the addressee.
- (ii) When a person presenting two or more documents for registration at the same time desires that they should be returned by post to the same address, the actual cost of postage, registration and acknowledgement charges, etc., shall be deposited and separate deposits shall not be required in respect of each document.
- (iii) The amount paid shall be included in the receipt granted to the party.
- (iv) When registration has been completed, the Registering Officer shall despatch the document or documents in a sealed cover under registered postage to the address specified and shall note the fact on the counterfoil of the receipt.
- (v) The acknowledgement of the addressee shall be pasted to the counterfoil.

## CHAPTER XVII

### Section 52 of the Act REGISTER BOOKS

**125.** The registers shall be maintained in accordance with such instructions as the Inspector General of Registration may from time to time prescribe, provided that no erasure <sup>29</sup>[or alteration]<sup>29</sup> shall be permitted and that every page shall contain a uniform number of lines.

**126.** Every entry of a registered document shall be an exact copy of the original. If any abbreviation is used in the original it shall be reproduced in the copy. If a word in the original is miss-spelt, or if a word is repeated by mistake, or if some word necessary to complete the sense is omitted no attempt shall be made to correct the error, or delete the repetition or supply the omission. The entries shall be made neatly and legibly.

**127.** When a document is presented for registration in duplicate or duplicates, it shall not be necessary to enter the document more than once in the register book.

<sup>30</sup>**127A.** (i) With the previous sanction of the Inspector-General a special volume of Register Book 1 or Book 4 in the form of a file-book with numbered butts may be opened in any office for the registration of documents of a temporary character and leases, whatever be their term, which are prepared on forms printed on such paper and in such form as may be approved by the Inspector-General of Registration.

(ii) The copy of each document shall be made by the registering staff by filling in the blanks in a spare copy of the printed form and on this spare copy the endorsements and the certificates of registration entered on the original document shall be copied and the prescribed footnotes shall be added.

(iii) The copy thus prepared shall be duly examined in the manner in which copies made by hand in the ordinary register books are required to be examined and shall be filed in the file-books mentioned in clause (i). When a map or plan is attached to a document a copy of the map or plan shall be filed in the same file as the document.

(iv) After it has been so filed, the Registering Officer shall authenticate the copy by his signature with date and shall also affix to it the seal of his office. He shall write his signature and affix the



seal in such a manner that the signature and the impression of the seal shall appear partly upon the butt and partly on the sheet pasted thereto.

(v) When a copy consists of more than one sheet, each sheet shall be pasted to a separate butt and the Registering Officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature, with date and the seal of his office to such endorsement in the manner laid down in Clause (iv), the seal being dispensed with in the case of the sheet on which the authentication seal has already been affixed.

(vi) Documents registerable in Book 1 and Book 4 shall be filed in separate file books.

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

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

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

(x) The file books shall be kept in the personal custody of the Registering Officer until they are completely filled when they shall be placed among other completed volumes of register books.]<sup>30</sup>

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

(ii) Similar footnotes shall also be made in regard to interlineations, <sup>31</sup>[scorings]<sup>31</sup>, etc., in the entry of a document in the register. The particular word or words interlined or inserted shall in the entry be flanked by brackets and the figures (1), (2), (3) and (4) etc., entered above the bracketed portions with corresponding footnotes.

When an interlineation or scoring <sup>32</sup>[xxxx]<sup>32</sup> extends beyond one line the entire interlineation or scoring <sup>32</sup>[xxxx]<sup>32</sup> shall be denoted by a single figure which shall be repeated on each line over the middle of the interlined <sup>33</sup>[or scored]<sup>33</sup> portion.

(iii) The following are specimen forms of footnotes:—

- |    |  |               |
|----|--|---------------|
| 1. | In document and register, interlineations etc. | Nil           |
| 2. | In document, (a) Interlineations               | 2             |
|    | (b) Erasures                                   | 1             |
|    | In Register, interlineations                   | (1) (2) & (4) |
|    | <sup>34</sup> [Scorings] <sup>34</sup>         | (3) & (5)     |
| 3. | In document, (a) Interlineations               | 3             |
|    | (b) Sic  | 2             |
|    | (c) Erasures                                   | 3             |
|    | In Register, interlineations, etc.             | Nil           |
| 4. | In document, (a) Interlineations               | 1             |
|    | (b) Erasures                                   | 3             |
|    | (c) Sic  | 1             |
|    | In Register, interlineations                   | (1) (2) & (4) |
|    | <sup>35</sup> [Scoring] <sup>35</sup>          | (3)           |

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

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

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

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

**130.**In the case of a document impounded, after registration for adjudication of stamp duty, the certificate of stamp added by the District Collector shall, before the document is returned to the party, be copied as footnote below the entry in the register thus:—

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

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

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

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

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

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

**133.**(i) After a document, the endorsement thereon and the certificate have been transcribed in the register the correctness of the copy shall be ensured by causing the original to be read aloud by

some officer other than the copyist while the entry in the register is followed ordinarily by the Head Clerk or in his absence the senior clerk present.

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

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

Copied by     A.B.   Clerk (Signature).  
                   C.D.   (Reader)     do.

Compared by E.F.   (Examiner)   do.

**134.** The Registering Officer shall then initial at both ends of each interlineation or <sup>36</sup>[scoring]<sup>36</sup> in the register and when the interlineation or <sup>36</sup>[scoring]<sup>36</sup> extends beyond one line, at the beginning and end of the <sup>37</sup>[scored]<sup>37</sup> or interlined portion in each line, (affixing his initials to the footnotes referred to above) and authenticate the entry by affixing his signature legibly at the foot of the entry on the last page and by initialling at the foot of every other page occupied by the document. The authentication shall be made immediately a document has been copied, compared and indexed.

**135.** No document shall be returned to a party before the entry of it in the register has been authenticated by the Registering Officer.

**136.** Each volume of a register book shall continue in use until all the pages are filled up. When for special reason a volume of a register book is closed on a page other than the last page, a certificate to that effect shall be appended at the foot of the last entry and a certificate specifying the number of pages which have been utilised shall be entered on the title page each signed and dated by the Registering Officer. If a page is left blank by oversight in any part of a volume, a certificate stating that the omission is accidental shall be entered on such page after obtaining the approval of the Registrar. The order of the Registrar should be quoted in the certificate. Additional pages shall not on any account be inserted in a volume.

**137.** (i) When an instrument is executed in the form of an endorsement written across or at the foot or back of any instrument previously registered in the same office or in any other office which has since been abolished and whose records are kept in the first mentioned office, e.g., the transfer of an interest, a receipt or discharge acknowledging consideration money or any payment secured by the registered instrument, such endorsement shall, when presented for registration be numbered and registered as a separate instrument and a note in the following form shall be entered in the register:—

*Note.*— “Written across (or at foot or on the back of) document No ..... of  
 19..... Book ..... Volume ..... Page .....”

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

**138.** (a) On the registration of a document which revokes or cancels, or rectifies an error in, or modifies the terms of a document previously registered in the same class of register book or of a

return of lands acquired under the Land Acquisition Act for the time being in force or of a document received and filed under Section 89 of the Act or on the receipt of a communication from a Revenue Officer or from a Court which intimates a similar revocation, cancellation, rectification or modification, a note shall be entered at foot of the entry of the latter document or communication as under:—

“This document/communication revokes (cancels, rectifies or modifies) document No. .... of 19..... copied/ the document filed/ the return filed at pages ..... volume ..... of Book/ File Book/ File Book I”, and at foot of the previous entry or of the document previously registered or filed a note shall be entered as shown below:—

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

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

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

## CHAPTER XVIII

### Sections 54 to 56 of the Act INDEXES

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

<sup>38</sup>[*Note.*— Notwithstanding anything contained in this rule the indexes of documents registered in the Sub Registry Offices of Kasaragod and Manjeshwar shall be prepared both in Malayalam and Canarese.]<sup>38</sup>

- 142.** The names of all persons executing and claiming under documents shall be entered in full wherever possible. If a person is known under two names each shall be indexed separately. The name of the executants who admitted execution shall alone be indexed.
- 143.** The names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column. In indentures, deeds of partition and similar instruments, the fact that the party claiming under the document is also an executing party shall be indicated by writing the name across both these columns.

#### Index Nos. I, III and IV

- 144.** (i) All names of persons shall be indexed with reference to the initial letter of the surname or of the house name where such name exists. Where the house name does not exist the indexing shall

be regulated by the initial letter of the person's name, followed in the case of a Hindu, by the village name or any other distinguishing name which he bears and in the case of a Muslim by the prefix, if any such as Sayed, Mr. Shaik, Ghulam or affixes such as Beg, Khan Shereef. If a woman bears the house name of her husband or father the indexing shall be with reference to the initial letter of the house name, otherwise to the initial letter of her own name.

**(ii)** All documents executed by or in favour of the Government, shall be indexed together under the word 'Government', one or more sheets being set apart for such entries in the sheets under the letter "G".

**(iii)** The name of a company, bank or society shall be entered under the initial letter of the first word of the name omitting 'the' e.g.—The Land Mortgage Bank of India under "L".

**(iv)** English names shall be indexed as they would be written in local language, e.g.— 'Wilson' under "V", 'Wright' under "R", 'Knox' under "N".

**(v)** In the case of a document registered after the death of the executant on the admission of his representative the name of the executant alone shall be indexed, but the fact that the admission of execution was made after the death by his representatives shall be shown in the column "Addition".

**(vi)** In the case of a document executed by or in favour of, an agent on behalf of a principal or by in favour of, a guardian on behalf of a minor, an idiot or a lunatic, the name of the principal or minor, etc., as well as that of the agent or guardian, shall be indexed.

**(vii)** When a person executes a document both for himself and as representative of some other person his name shall be entered twice, one as executing for himself and again as the representative of the other person.

**(viii)** In the case of a document executed by or on behalf of the Government, a Company, Bank, Society, etc., the name of the person acting on behalf of the Government, Company etc., shall be entered in the column "Addition". If a document executed in favour of Government, company, etc., is presented for registration on behalf of the Government or company, etc., the name of the person presenting it shall be entered in the column "Addition".

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

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

## Index No. II

**145. (i)** In Index No. II, one or more separate sheets shall be assigned to each revenue village.

**(ii)** Where property to which document relates is situated in several villages in the same or different sub-district the entry in column "Village" shall contain a reference to the other villages and sub-districts, if any.

**(iii)** The name of the sub-district to which a village belongs shall be added only when the village is not included in the jurisdiction of the sub-office in which the indexing takes place.

**(iv)** Where the number of villages affected by a document is large it will suffice to enter all the villages in detail in the entry relating to first village and to note only the number of additional villages in the indexes relating to the other villages, e.g.— "Muttathara and 20 villages noted against Vanchiyoor".

(v) The description of property and its boundary shall as far as possible be completely incorporated with a view to facilitating the identification of the property in tracing encumbrances and references to registered documents.

**146.** The column “Nature and value of transaction” shall also contain:—

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

**147.** <sup>39</sup>[(1)]<sup>39</sup> When a loan order is received with security bond under sub-sections (1) and (3) of Section 89 of the Act the order and the bond shall be indexed as separate documents although the property specified in both may be the same.

<sup>40</sup>[(2)] When a copy of the declaration or instrument whereby the Gehan or mortgage or hypothecation has been created or executed in favour of the Agricultural and Rural Development Banks or a primary bank is received under sub-section (5) of Section 10 of the Kerala State Co-operative Agricultural and Rural Development Bank’s Act, 1984 (20 of 1984) the same shall be indexed as separate documents after filing it in Book No. 1 specified under Section 51 of the Indian Registration Act.]<sup>40</sup>

**148.** (i) In order to facilitate the tracing of previously registered documents connected with the same property the Registering Officer, shall, when a document is admitted to registration in Book I, endeavour to ascertain from the party the number or date of the last registration affecting the property to which it relates, and if the registration can be traced either by the production of the last registered instrument or by the number or date given by the party, a note of the previous registration with a reference to the register book, the volume, the page on which the entry commenced and the number and the year of the document shall be entered in Index II thus:—

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

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

#### Subsidiary Index

**149.** The Registering Officers shall maintain a subsidiary index to Index No. II in the form printed in Appendix VI, in order to show at a glance all transactions affecting each survey number or sub-division.

**150.** As each document is registered the number and the year of the document shall be entered against the survey number, thus: M.125/57. The letter ‘M’ represents the word mortgage and the number represents the document No.125 of 1957. Similarly the letter ‘S’ may be used to denote the word sale and ‘L’ for lease. ‘M’ may be used to denote transfer mortgage, and ‘L’ to denote transfer and surrender of lease also. For all other kinds of documents no letter need be used. In the case of documents filed in Book I the number of the volume of the file book and the first of the pages in which such document is filed shall take the place of the number of the document thus:— “F.15.P.125/57” which means copy of 1957 filed in File Book I Volume 15, page 125.

- 151. (i)** The subsidiary index relating to each village shall be continued in the same set of sheets from year to year and a fresh set of sheets shall not be opened except with the previous permission of the Inspector-General.

When however a village has been re-surveyed, a fresh set of sheets shall be opened based on the re-survey or revision survey number from the date of receipt by the Registering Officer of the list of new numbers.

**(ii)** When a village is transferred from one sub-district to another the subsidiary index of the village shall be retained in the old office and a fresh subsidiary index shall be opened in the new office.

**(iii)** When a mistake in regard to a survey number is corrected by a subsequent rectification deed, an asterisk shall be placed over the number of the original document entered against wrong survey number and the undermentioned note entered at the foot of the page:

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

#### **Examination of indexes**

- 152. (i)** A register in the form given in Appendix-IX shall be maintained in each Registration Office.

Columns (1), (3) and (4) of the register shall be filled in, as soon as a document is admitted to registration. Entries in all the other columns shall be made as soon as the events described by the different headings take place.

**(ii)** Whenever a change occurs in the charge of an office owing to the transfer of the Registering Officer or the officers proceeding on leave other than casual leave a certificate in the following form shall be endorsed by the outgoing officer in the Register below the Index relating to the latest document registered during the tenure of his Office.

“Certified that I have satisfied myself that all the documents registered, or filed during the portion of the year (here enter year) for which I have been in-charge have been duly indexed and the entries have been checked”.

**(iii)** A similar certificate shall also be endorsed at the close of each calendar year below the index entry relating to the last document of that year.

**(iv) (a)** After the documents of the year have all been indexed and the indexes have been checked, the pages of Indexes I, II, III and IV shall be arranged, the nominal indexes alphabetically, and Index II, Village-War and numbered in ink consecutively, and each page initialled at foot by the Registering Officer. A title page shall be prefixed to each of these indexes showing the total number of pages in each and the pages covered by each letter of the alphabet or village.

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

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

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

#### **Indexes to Book 5**

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

## CHAPTER XIX

### Section 57 of the Act SEARCHES

- 154.** Every application to a Registering Officer for an inspection, a search, or a copy shall be made in writing. The application shall be in the prescribed form. These applications need not be stamped.
- 155.** An application for a search or for a copy of an entry in Books I to IV may also be received and complied with through the medium of post, the postage charges being borne by the applicant, in such cases special care shall be taken to ensure that the provisions of sub-sections (2) and (3) of Section 57 are satisfied and the title of the applicant to have the copies shall be proved to the satisfaction of the Registering Officer. An applicant may, if he so desires, authorise in the application the return of the copy or encumbrance certificate by registered post to an address to be specified by him and deposit in cash the amount required to cover postage. The amount shall be included in the receipt granted to the party. The amount collected to cover postage shall be entered in the cash account and when the copy or certificate has been made ready the actual charges shall be credited to the proper account and the balance if any returned to the applicant. The application for the return of a copy or the certificate by post should be made at the time the application is presented. If however the applicant makes a request in writing to send the encumbrance certificate or/and certified copy to an address specified by him by post "service unpaid" the request shall also be complied with.
- 156.** An application for a search in respect of property situated in more sub-districts than one or in a village which has been transferred from one sub-district to another may be Presented to any of the Sub Registry Offices in which the property or any portion of it is situated or to which the village is or has been attached.

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

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



- 158.** Government Officers of the Kerala State who may require to search the registers or to take copies of entries for bona fide public purposes shall be permitted to do so, without payment of any fee.
- 159.** Fees for searches shall be payable in advance.
- 160.** In complying with a requisition from a Court which involve a search or the preparation of a copy of any document the Registering Officer shall forward to the Court a memorandum of the fees payable on that account with a view to the amount being remitted by the Court.
- 161.** The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it read to him; but it shall not entitle him to take a copy of the entry. If a search proves fruitless the fee shall not be refunded, but the applicant may, if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.
- 162.** A search fee shall not be levied for the grant of a copy of document:—
- (a) admitted to registration but not transcribed into the register;
  - (b) presented but not yet admitted to registration; or
  - (c) the registration of which has been refused.
- 163.** Only one search fee shall be levied:—
- (i) for making a search in respect of a single document or in respect of acts and encumbrances on one and the same property in two or more offices because of the transfer of a village from one Sub-District to another;
  - (ii) for making a general search in respect of one and the same property in the record of an office which was once in existence, was abolished and then revived;
  - (iii) for making a search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, as the result of survey and settlement operations, the search has to be made in the indexes of more than one village.
- 164.** When a search is made in respect of more than one entry or more than one document executed by, or in favour of one and the same individual, search fee shall be levied separately for each office in which the nominal indexes have to be searched.
- 165.** (i) When an application for a search is presented and the requisite fees have been paid, the Registering Officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make the search the name of the clerk deputed shall be noted on the application. As soon as the search is completed, the result, or a reference to the certificate of encumbrance showing the result, shall be noted on the application by the clerk, and signed by him.
- (ii) Whenever an entry found on a search is read out to an applicant, under Rule 161 a note shall be made on the application to the effect that this has been done and, when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.
- 166.** All inspections and searches of books and indexes shall take place in the presence of the Registering Officer.
- 167.** A copy of an entry shall not be made from any book until the Registering Officer has scrutinized the entry generally.

### Certificate of encumbrance

- 168.** When an application is made for a search for encumbrances in respect of any immovable property or properties, belonging to a single individual or family or for a list of documents executed, by or in favour of, a single individual or family, and the applicant desires that a certificate of encumbrance or a list of documents found in the course of such search should be furnished to him by the Registering Officer, the request shall be complied with. The certificate or list shall be in the form prescribed in Appendix-VII.
- 169.** In the case of searches for a list of documents executed by, or in favour of a particular individual or family, the list shall show the number, date, nature and value, of the several documents found, as well as the names of the parties and the village in which property affected, if any, is situated; but no description of the properties affected by the documents should be given as in the case of encumbrance certificates on properties. The list shall not include particulars of documents registered in Register Books 3 and 4 unless the applicant is entitled to copies of the entries (Section 57 of the Act).
- 170.** A certificate of encumbrance shall be in Malayalam. If the party requires the certificate to be prepared in English the request may be complied with.
- 171.** A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.
- 172.** In the case of a search made in the records of more than one office, the various certificates prepared in the different offices shall be granted to the party and not a consolidated certificate by the officer to whom the application was made in the first instance. An officer who makes a search at the request of another officer shall therefore furnish a certificate in duplicate.
- 173.** (i) Searches for certificates of encumbrances shall, as a rule, be made by two persons independently of each other, so that the results obtained by one may be compared and verified with those obtained by the other.
- (ii) When a party himself makes the search he should be required to furnish a signed note of the results of the search and the results should be verified by a member of the Office establishment.
- 174.** A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificates shall be numbered consecutively in a separate series for each calendar year.
- The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificates received from other offices under Rule 172 shall be filed with the office copy of the encumbrance certificate concerned.
- 175.** <sup>41</sup>[For the purpose of fees, the determination of one and the same property shall be with reference to the ownership at the time of the application for a certificate of encumbrance, but the following may in each case be treated as one and the same property:—
- (a) A single survey field owned jointly by more than one person.
  - (b) A house owned jointly by more than one person.
  - (c) Lands used for wet and dry cultivation situated in the same village and owned by one person or jointly by two or more persons, whether the parcels are contiguous to one another or not and whether any buildings are situated on such lands or not.

- (d) Afield or garden and the house situated on it.
- (e) Building or houses described as being situated within the same boundaries and forming together one property.

**Note:—** (i) If different parts of survey field is owned absolutely (Jenmam) by different persons such a survey field shall be treated as many properties as there are ownerships.

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

(iii) Joint ownership shall be distinguished from ownership of the same property by two or more individuals with distinct interest. In the former case the property shall be treated as 'one and the same property' and in the latter as 'several properties'.<sup>41</sup>

### Production of Register—Books in Court

**176.** When a requisition is received from <sup>42</sup>[a Court or any officer-in-charge of a Police station]<sup>42</sup> for the production of a register book other than Book 3 or Book 4 or a register of Thumb Impressions, the Registering Officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of Register Book 3 or the Register Book4, or a Register of thumb impressions, the book shall be forwarded in a sealed packet, through a clerk, with instructions to bring the packet back to the office, unless the <sup>42</sup>[Court or the officer-in-charge of a Police Station]<sup>42</sup> considers its detention to be necessary. When Register Book itself is produced, a copy of the particular document will be taken, and the Court after examining and comparing the copy with the entry in the Register Book, certify it to be so and cause the copy alone to be filed and exhibited. The Book shall be returned through the clerk without making any entries therein. When a copy is forwarded to the Court it shall be sent in a sealed cover addressed by name to the Officer presiding over the Court.

## CHAPTER XX

### Section 63 of the Act

### RECORD OF SUBSTANCE OF STATEMENTS

**177.** Evidence required by a Registering Officer shall be taken by himself or by someone appointed under a commission.

**178.** The oath or affirmation to be made before a Registering Officer by a deponent shall at his option be in any of the following forms:—

#### A

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

#### B

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

#### C

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

**179.** (i) When execution is admitted and the endorsement is signed by the party admitting execution, and when witnesses are examined merely with reference to the identification of the parties appearing, the prescribed endorsement is itself a sufficient record. A record of the substance of the statements shall, however be made in the following cases:—

- (a) When execution is denied;
- (b) When a person admitting execution refuses to sign the endorsement;
- (c) When a person admits execution on protest or with reservation;
- (d) When an enquiry is held as to the alleged death of an executing party;
- (e) When an enquiry is held as to the right of a person to appear as the executor, administrator, or heir of a deceased person or as a guardian of an infant, or as the curator of an idiot or a lunatic.
- (f) When any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic;
- (g) when an explanation is taken regarding the cause of delay in the presentation of a document or in the appearance of parties;
- (h) When the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement;
- (i) When an enquiry is held under Section 41(2) of the Act in respect of a will or an authority to adopt presented for registration after the death of the testator or the donor, as the case may be;
- (j) When an enquiry is held under Section 74 as to the fact of the execution of a document; and
- (k) Generally in all cases in which a record may seem necessary.

**(ii)** All such statements with the exception of those under (d) and (e) for purposes of Section 35(1)(c) or Section 41(2) and under (i) and (j), which shall be kept with the record of the enquiry, shall be recorded in a book known as the “Deposition Book” maintained in each registration office.

**(iii)** Each witness or party shall be examined separately. The deposition shall usually be recorded in the first person and when so recorded, the signature of the person who makes it shall be obtained with an acknowledgement that the deposition has been read over or interpreted to him and that the deposition is correct. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct.

**(iv)** At the head of each deposition the document to which it appertains together with the book, volume and year shall when practicable be noted.

**(v)** The deposition book shall not be carried when a Registering Officer attends at a private residence. Any statements or depositions which a Registering Officer may find it necessary to take when attending at a private residence shall be recorded by him in a separate book and on his return to the office copied in the office deposition book. The copy may be made by a clerk and examined by another clerk and shall be authenticated by the Registering Officer with date. The separate book in which the depositions have been obtained, shall also be preserved with the deposition book.

## CHAPTER XXI

**Sections 64 to 67 of the Act**  
**TRANSMISSION OF MEMORANDA AND COPIES**

- 180.** Memoranda of registered documents required for transmission under the provisions of Sections 64 to 67 of the Act shall be prepared in the form prescribed in Appendix-VIII.
- 181.** The copies or memoranda required shall be made in the office of original registration at the expense of the party presenting the document for registration. They shall be forwarded with an intimation form which shall be returned received by the officer to whom it is addressed.
- 182.** The copies and memoranda and translations received in a registration office shall not be given a document number in that office but shall be filed in the file book 1 or in the file of translations as the case may be and indexed with reference to the page of the volume in which they are filed.
- 183.** When a document is registered in duplicate or duplicates no memorandum or copy is required to be forwarded under Sections 64 to 67 in respect of the duplicate or duplicates but the number of copies registered with the original shall be noted in the column headed "Number and year of document" in the memorandum prepared from the original.
- 184.** A memorandum of a registered document transmitted under Sections 64 to 67 shall be prepared in Malayalam or English.
- 185.** When a Registering Officer finds that a correction is necessary in a copy or memorandum of a document forwarded by him to another Registering Officer, he shall send an erratum to the latter, who shall file it in file book No. 1, carry out the correction and add a note on the original explaining the circumstances under which the correction is made. A reference to the page and volume of the file book in which the erratum has been filed shall be entered on the original memorandum or copy and the Indexes shall also be corrected accordingly.
- 186.** When a document cancels or rectifies an error in a document previously registered in Book 3 or 4 in another office a memorandum shall be sent to that office without levying any fee. This memorandum shall be filed in the file of appeal orders and judgements in the office to which it is transmitted. This rule applies to a document registered in a Registrar's Office also. The memorandum need not be indexed in the receiving office. But the requisite notes should be written below the entry of the document which the memorandum relates.

**CHAPTER XXII**

**Sections 68 and 69 of the Act**  
**ERRORS IN REGISTRATION**

- 187.** (i) In the event of a document being registered in a wrong register book, the registration shall stand but the Registrar will direct that the requisite particulars regarding the document should be entered in the appropriate place in the indexes relating to the proper book with a reference to the volume and page of the book in which the document has been copied.
- (ii) Corresponding notes shall also be entered in the entry in the wrong book as well as in the indexes relating thereto.
- (iii) In cases in which copies and memoranda under Sections 64 to 67 had been forwarded at the time of registration in the wrong book and in cases in which the forwarding of such copies and

memoranda become necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies and memoranda in the latter shall be forwarded free of cost.

- 188.** (i) Where by inadvertence a document is registered in a wrong office, Registering Officer shall inform the executing and claiming parties of the fact and advise them to apply to the Registrar for a direction under Section 68 for its registration afresh in the proper office.
- (ii) Where the proper office of registration is in a district other than that in which the officer of wrong registration is situated, the application shall be made to the Registrar of that district.
- (iii) When a direction is so issued to a Sub Registrar he shall register the document without the levy of any fee and in the endorsement of presentation shall refer to the orders of the Registrar.
- (iv) The Registering Officer in whose office the document was originally registered shall in any case forward to the proper office, free of charge, a copy or a memorandum of the document in accordance with the procedure prescribed by Sections 64 to 66 and the Receiving Officer shall file the copy or memorandum in his file book 1.

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

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

## CHAPTER XXIII

### Sections 71 and 76 of the Act REFUSAL TO REGISTER

- 190.** When registration is refused because the document has been presented in the wrong office or in an office to which due acceptance of the document is left to the discretion of the Registering Officer, no order of refusal shall be entered in Book 2. In all other cases the reasons for refusal shall be at once recorded in Book 2.
- 191.** The reasons for refusal will usually come under one or more of the heads mentioned below; which should invariably be quoted as authority for refusal.

#### Section 19

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

#### Section 20

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

#### Section 21(1-3) and Section 22

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

#### Section 21(4)

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

#### Rule 42

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

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

VI. That it is presented after the prescribed time.

**Sections 32, 33, 40 and 43**

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

<sup>43</sup>**Section 32A**

VIIA. That the document is not affixed with the Passport size photographs and impression/impressions of the left thumb or any of the fingers in the absence of left thumb as prescribed in Rule 30A(i) and (ii).<sup>43</sup>

**Section 34**

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

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

**Sections 34 and 43**

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

**Sections 34 and 40**

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

**Section 35**

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

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

**Section 35**

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

**Note.**— When the executant of a document who is examined under a commission under Section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic, registration may be refused, and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

**Section 35**

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

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

**Sections 35 and 41**

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

#### Section 41

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

#### Sections 25, 34 and 80

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

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

XVIII. A Kanam demise or a renewal thereof shall be refused registrations if it does not contain the following particulars:

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

#### <sup>44</sup>[Rule 67

XIX. That the executing parties do not get the status of married couple as per the document styled as marriage agreement.]<sup>44</sup>

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

**193.** When a document is partially registered and partially refused registration, the refusal shall be endorsed after the document is registered.

**194.** If the Registering Officers are executants of documents or claimants under the same or in any way concerned in them, they shall not register such documents. If such document or documents fall within the category of documents mentioned in Section 28 of the Act they may be registered in the office of the Registrar of the District, who will, as provided in the Table of Fees, register such documents without charging the usual extra fee under Section 30(1) of the Act. In other cases the Registrar may specially authorise the Head Clerk or in his absence the senior clerk of the office as the case may be to register such documents.

## CHAPTER XXIV

### Sections 4(2) and 72 to 76 of the Act APPEALS AND ENQUIRIES

**195.** (i) An appeal under Section 72 or an application under Section 73 of the Act, shall be presented in writing to the Registrar of the district, or to the officer-in-charge of the Registrar's Office, accompanied by a copy of the refusal order appealed against and the original document in respect of which the order was passed.



- (ii) When the document is stated to be in the possession of some person other than the appellant and the latter desires time to obtain and produce it or the issue of a summons for its production, the request may be complied with and the appeal or application admitted pending receipt of the document.
- 196.** (i) An appeal under Section 72 shall be presented either by the appellant or by an advocate or by a certified pleader duly authorized on his behalf by a vakalath attested in the manner prescribed in the Civil Rules of practice applicable to Civil Courts or by an agent holding a power-of-attorney authenticated as laid down in Section 33 of the Act.
- (ii) An application under Section 73 shall be presented in person by the party or by an agent holding a power-of-attorney authenticated as aforesaid.
- (iii) An appeal or an application shall not be accepted or acted upon if sent by post.
- 197.** (i) A register shall be maintained in every Registrar's Office in which shall be entered particulars regarding appeals filed under Section 72 and applications under Section 73 of the Act.
- (ii) As soon as an appeal is admitted or an application is received it shall be entered in this register. Appeals and applications shall be numbered in the same series commencing and terminating with each year.
- (iii) After all the columns in respect of an entry have been filled up it shall be attested by the Registrar with date.
- 198.** In an enquiry connected with a will or an authority to adopt under Section 41(2) of the Act or an appeal under Section 72 or an application under Section 73 or in an original enquiry under Section 74, private vakils or persons not qualified under the Bar Councils Act or the Legal Practitioners' Act for the time being in force, shall not be allowed to appear. Such persons are not, however, debarred from acting as agents if authorised by a duly authenticated power-of-attorney.
- 199.** An application under Section 73 presented by any of the persons mentioned therein within the prescribed period but without the requisite verification may be returned in view to its being verified and presented again within a stated time.
- 200.** An appeal under Section 72 or an application under Section 73, may, when the Registrar is on a tour of inspection in his district, be posted for hearing at any Sub Registrar's station convenient to the parties.
- 201.** (i) On the presentation of an appeal under Section 72 or an application under Section 73 and in the case of original enquiry under Section 74, a date shall be fixed for the hearing of the appeal or application or for the enquiry.
- (ii) Such date shall be notified to the applicant and also published on the notice board of the Registrar's Office.
- (iii) Within one week of the date of such publication the applicant shall pay the process fee necessary for the issue of notice to the opposite party (hereinafter called the respondent) and for summonses for securing the attendance of witnesses:
- Provided that the Registrar may extend the time for such payment from time to time on sufficient causes being shown.
- (iv) If on the date of hearing,—
- (a) none of the parties appear;

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

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

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

(vi) An order refusing to direct registration under this rule shall be recorded in Book 2.

**202.** An order on an appeal under Section 72 or an application under Section 73 directing or refusing registration shall not be endorsed on the document itself but shall. When registration is ordered, be recorded separately and filed in a separate file and when registration is refused, be recorded in Book 2. In either case a brief abstract of the order shall be endorsed on the petition of appeal or application which will be kept with records of the case.

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

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

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

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

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

## CHAPTER XXV FEES AND FINES

**207.** It is for the Registering Officer, who is responsible for levying the fee, to determine in the first instance what fee should be paid. After it has been paid the presenting party may, if he is dissatisfied, apply to the Inspector General of registration who shall if he thinks there has been an overcharge order the Sub Registrar to refund any excess. The Inspector General shall not take

any notice of any such application, if presented after six months from the date of the levy of fees or fine.

**208.** In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonses, attendances and travelling allowances where such fees and allowances have been earned.

**209.** Registrars and Sub-Registrars are authorised to refunds.—

(a) Fees and fines levied on documents, refused registration or returned unregistered; and

(b) unearned fees for commissions, summonses, attendances and travelling allowances levied in connection with appeal cases deposits of wills, powers-of-attorney presented for authentication or documents presented for registration.

**210.** (i) Fees remaining un-refunded on documents refused registration or returned unregistered for a period of two years from the date on which they become refundable, shall be held to have lapsed to Government. Six months prior to the expiry of the period a notice shall be sent by registered post to the party concerned, wherever possible, and also be published in the Government Gazette, stating that no claim for refund will be entertained unless preferred within six months from the date of notice.

(ii) Undisbursed process fees, batta or travelling allowances shall be credited to Government if they are not claimed by the party concerned within six months from the date they become claimable. One month prior to the expiry of the period, a notice shall be issued by registered post to the party concerned, wherever possible and also be published in the Government Gazette, intimating the amount claimable and the date on which it should be claimed, with a further intimation that the amount if unclaimed within the specified date will be credited to Government.

**211.** The previous sanction of the Inspector General shall be obtained for the refund of any collections other than those referred to in Rule 209.

**212.** Whether a document is admitted to registration or not all fees and fines shall be at once brought to account.

**213.** (i) At stations where there is a Treasury the daily collections shall be remitted to the Treasury every succeeding day.

(ii) At stations where there is no Treasury the collections shall be remitted to the nearest Treasury at such intervals as may from time to time be prescribed by the Inspector General of Registration.

(iii) A remittance to the Treasury shall be accompanied by Chalan duly filled up in duplicate in view to one copy of each chalan being returned signed by the Treasury Officer.

## CHAPTER XXVI

### Section 83 of the Act PROSECUTIONS

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

## CHAPTER XXVII

### Section 83 of the Act

## DOCUMENTS EXECUTED BY GOVERNMENT OFFICERS AND OTHER PUBLIC FUNCTIONARIES

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

## <sup>45</sup>[CHAPTER XXVIA

### Section 83A of the Act

## APPLICATION AND PROCEDURE FOR CANCELLATION OF REGISTERED DOCUMENTS IN CERTAIN CASES

- 215A.** (i) An application under sub-section (1) of Section 83A of the Act shall be made to the Inspector General of Registration in the form prescribed in Appendix-XI.
- (ii) A register shall be maintained in the Office of the Inspector General of Registration in the form prescribed in Appendix-XII, in which the particulars regarding the applications received under sub-section (1) of Section 83A shall be entered serially year-wise.
- (iii) An application received under sub-section (1) of Section 83A shall be entrusted with due acknowledgement to an officer in the Registration Department not below the rank of Deputy Inspector General of Registration for enquiry and report.
- (iv) Immediately on receipt of such an application for enquiry, the enquiry officer shall acknowledge the receipt of the same.
- (v) A register shall be maintained in the office of the enquiry officer in the form prescribed in Appendix-XIII, in which the details of the applications referred for enquiry by the Inspector General of Registration shall be entered serially year-wise.
- (vi) After entering the relevant details, in respect of an application in the register, it shall be attested by the enquiry officer with date.
- (vii) The enquiry officer shall conduct a preliminary enquiry thereof.
- (viii) The enquiry officer may, for the purpose of this enquiry—
- (a) call for any information or record from any public officer or authority under the Government Public Sector Undertakings or from Local Self Government Institutions;
  - (b) examine and record statement from any member of the public or authority under the Government, Public Sector Undertakings or from a Local Self Government Institution.
- (ix) The applicant and the respondent shall be given a reasonable opportunity of being heard.

(x) The enquiry shall be completed as far as possible within 6 months from the date of receipt of the application by the enquiry officer and the enquiry report shall be forwarded to the Inspector General of Registration in duplicate with the findings along with supporting evidence.

(xi) On receipt of the report of the enquiry officer, the Inspector General of Registration may call for any information/record from any public officer, authority under the Government, Public Sector Undertakings or from Local Self Government Institutions regarding the case and may hear the respondent, if found necessary. After evaluating the enquiry report, the Inspector General of Registration shall issue an order on sufficient grounds, cancelling the document or rejecting the application, as the case may be.

(xii) The order of cancellation of the document or rejection of the application shall be communicated to the applicant and the respondent by registered post with due acknowledgement and the acknowledgement received shall be duly filed.

(xiii) The order shall be communicated immediately to the Government, the District Collector, the enquiry officer concerned, the Sub Registrar under whose jurisdiction the Property is situated, the Sub Registrar who registered the document, the District Registrar concerned and the Deputy Inspector General of Registration for implementation or information.

(xiv) On receipt of the order, the Sub Registrar shall make necessary entries in the relevant registers and records and report compliance to the Inspector General of Registration through proper channel. Necessary changes shall be made in the revenue records.

**215B.** (i) A complaint under sub-section (2) of Section 83A of the Act shall be submitted to the District Collector within whose jurisdiction the property is situated.

(ii) On receipt of such a complaint or while acting suo motu, the District Collector shall conduct a detailed enquiry in respect of the complaint and collect such further information as may be necessary for the purpose or call for such information as he deems necessary from the parties. He may also call for any information or record from any public office or authority under the Government or Local Self Government Institution, Public Sector Undertakings for examination and recording of statements.

(iii) The respondents shall also be given a reasonable opportunity of being heard before making a recommendation.

(iv) The District Collector shall make a recommendation under sub-section (2) of Section 83A within three months from the date of receipt of the complaint and such recommendation to cancel a document, shall be forwarded to the Inspector General of Registration immediately.

(v) The recommendations of the District Collector shall be entered in a register kept in the office of the Inspector General of Registration in the form prescribed in Appendix XIV serially and year-wise.

(vi) The District Collector may also follow the procedure prescribed in these rules for conducting such enquiry if found necessary.

(vii) On receipt of a recommendation from the District Collector to cancel the registration of a document, the Inspector General of Registration shall make an order, cancelling the registration of the document or rejecting the recommendation or remitting the matter for further clarification, after recording the reasons for issuing such an order.]<sup>45</sup>

## CHAPTER XXVIII PRESERVATION AND DESTRUCTION OF RECORDS

**216.** The following books and files shall be preserved permanently:—

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

Book 2 — Record of reasons for refusal to register.

Book 3 — Register of wills and authorities to adopt.

Book 4 — Miscellaneous Register

Book 5 — Register of deposits of wills.

Indexes Nos. I, II, III, and IV and subsidiary Indexes.

Register of thumb impressions.

File of translations.

File of appeal, orders and judgements and orders of Courts.

File of powers-of-attorney.

Deposition book.

<sup>46</sup>**217.** All other books and records shall be preserved or destroyed under such orders as may from time to time be issued by the Inspector General of Registration in conformity with the rule made in that behalf by Government.]<sup>46</sup>

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

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

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

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

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

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

on the back of the volume containing the re-produced entries a label shall be pasted showing in red ink its contents.

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

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

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

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

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

## CHAPTER XXIX UNCLAIMED DOCUMENTS

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

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

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

<sup>47</sup>**(b)** Documents destroyable under Section 85 of the Act shall be destroyed once a year on or before the fifteenth day of January.]<sup>47</sup> The destruction shall, when and if sanctioned, be by burning and take place in the presence of the Registering Officer.

**224. (a)** When a registered document is destroyed, a note recording its destruction shall be entered in the register book at the foot of the copy of the document.

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

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

## CHAPTER XXX INSPECTION AND ENQUIRIES

**225.** (i) Each Sub-Registry Office shall be inspected by the Registrar twice in each official year, unless for special reasons the Inspector General orders otherwise.

(ii) The Registrar shall record the results of his inspection in two parts. Part I shall contain omissions, and irregularities of sufficient importance to be brought to the notice of the Inspector General of Registration, Part II shall contain all other defects which could be rectified under the orders of the Registrar.

(iii) Part I of the report shall be submitted by the Registrar, to the Inspector General of Registration with his further remarks on the explanations of the Sub Registrars.

(iv) The Inspection notes shall be dealt with in the manner prescribed by the Inspector General of Registration from time to time.

**226.** (i) A Registrar shall, not as a rule, require a Sub Registrar to report officially on any anonymous petition or a petition which is obviously pseudonymous. He may however ascertain whether there is any truth in such a petition and if he is satisfied that it is based on truth he shall submit a report to the Inspector General and abide by his orders.

(ii) When a petition against a Sub Registrar or any of his subordinates is found to be genuine so far as the signatures are concerned, the Registrar shall hold a preliminary enquiry and submit a report to the Inspector General.

(iii) No formal enquiry shall in any case be undertaken without the previous sanction of the Inspector General of Registration.



<sup>48</sup>[CHAPTER XXXI  
REGISTRATION OF DOCUMENTS  
THROUGH COMPUTER SYSTEM

**227. Regulation of registration of documents through Computer System.—**

- (1) The registration of documents through computer system shall be regulated as per the provisions of this Chapter.
- (2) In case of conflict between any provisions in this Chapter and other Chapters, the provisions of this Chapter shall prevail in relation to registration of documents through computer system.

**228. Definitions.—** In this Chapter, unless the context otherwise requires,—

- (a) “**access**”, with its grammatical variations and cognate expressions, means gaining entry into, instructing or communicating with the logical, arithmetical or memory function resources of a computer system or computer network;
- (b) “**archival**” means capturing data, including images, on the electronic storage media like the CD, the computer hard disk and the like as may be prescribed by the Inspector General of Registration from time to time, with the intention of preserving the same for long periods and for retrieving as and when required and includes re-archival;
- (c) “**CD or Compact Disc**” means an electronic storage device on which data including images, can be stored in an electronic digital form;
- (d) “**Computer**” means any electronic, magnetic, optical or other high speed data processing device or system which performs logical, arithmetic and memory functions by manipulations of electronic, magnetic or optical impulses, and includes all input, processing, storage, computer software or communication facilities which are connected or related to the computer system or computer network;
- (e) “**Computer network**” means the interconnection of one or more computer through,—
  - (1) the use of satellite, microwave, terrestrial line or other communication media; and
  - (2) terminals or a complex consisting of two or more interconnected computers whether or not the interconnection is continuously maintained;
- (f) “**computer resource**” means computer, computer system, computer network, data, computer database or software;
- (g) “**computer system**” means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable or being used in conjunction with the external files which contain computer programmes, electronic instructions, input data and output data that performs logic, arithmetic, data storage and retrieval, communication control and other functions;
- (h) “**data**” means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalized manner, and is intended to be processed in a computer network, and may be in any form (including computer printouts magnetic or optical storage media; punched cards, punched tapes) or stored internally in the memory of the computer;
- (i) “**electronic form**”, with reference to information, means any information generated, sent, received or stored in media, magnetic, optical, computer memory, microfilm, computer generated microfiche or similar device;

- (j) **“electronic record”** means data record or generated, image or sound stored, received or sent in an electronic form or microfilm or computer generated microfiche;
- (k) **“function”** in relation to a computer, includes logic, control, arithmetical process, deletion, storage and retrieval and communication or telecommunication from or within a computer;
- (l) **“information”** includes data, text, images, sound, voice, codes, computer programmes, software and databases or microfilm or computer generated microfiche;
- (m) **“secure system”** means computer hardware, software and procedure that—
  - (a) are reasonably secure from unauthorised access and misuse;
  - (b) provide a reasonable level of reliability and correct operation;
  - (c) are reasonably suited to performing the intended functions; and
  - (d) adhere to generally accepted security procedures;
- (n) **“scanner”** means an electronic device used in conjunction with a computer and software reads graphics (photographs drawing and log off) and text into a computer and to convert documents on paper into electronic digital images to be stored in electronic media and retrieved when required and the words “scanner” and “scanning” shall be construed accordingly;
- (o) **“Software”** includes a set of computer programmes or coded instructions given to the computer systems to make the latter perform different, predetermined, functions and to generate the desired output.

**229. Administration, superintendence and control of registration of documents through computer system.**— The Inspector General of Registration shall be responsible for the administration, superintendence and control of registration of documents through computer system. He shall issue orders for the effective implementation of registration of documents through computer system including the procedure to be followed.

**230. Commencement of registration through computer system.**— The registration under this Chapter in the concerned districts and sub-districts (formed under sub-section (5) of Section 3 of the Act) shall commence from such dates as may be notified by the Inspector General of Registration from time to time.

**231. Presentation of documents for registration.**—

- (1) All the documents for registration through computer system shall be presented to a Registering Officer accompanied by such input support forms as may be specified by the Inspector General of Registration from time to time.
- (2) The Registering Officer shall satisfy himself as to the correctness of the details entered in the input support forms vis-a-vis the original document.
- (3) The Registering Officer shall also satisfy himself that the documents and the accompanied papers conform in all respects to provisions of the Act, rules and standing orders in force and that the writing is legible, not faint or indistinct, written and signed in permanent black ink so that it can be scanned properly.

**232. Issue of Receipt.**— The receipt for the registration fee collected shall be issued to the presenter in the format shown in Appendix-X.

**233. Endorsements and certificate of registration.**— On completion of the procedure under Rules 231 and 232 above, the Registering Officer shall register the document following the steps given below:—

- (a) The Registering Officer shall admit the document to registration.
- (b) The Registering Officer shall generate the endorsements and registration certificates prescribed under the Act and these rules through computer system.
- (c) The Registering Officer shall print the endorsements and registration certificate on the reverse of the document through the computer system.
- (d) The Registering Officer shall obtain the signatures and thumb impressions of the persons concerned at the appropriate places.
- (e) The Registering Officer shall authenticate the above endorsements and certificates of registration in permanent black ink.
- (f) If the reverse of the pages are not sufficient to accommodate the endorsements and certificate of registration a rider shall be attached.

**234. Endorsements and certificate through manual system.—**

(1) Notwithstanding anything contained in any provisions in the above rules all the endorsements and certificates of registration specified in Rule 233 shall be written on documents manually in permanent black ink or by means of a rubber stamp using permanent black ink and authenticated by the Registering Officer in permanent black ink where:

- (a) The documents are presented, accepted and admitted to registration at private residences, hospitals and jails; or
- (b) The documents are presented in the registry office on a day on which the computer system is out of order; or
- (c) The Inspector General of Registration generally or specifically orders.

(2) After returning to the office, the Registering Officer shall generate and print the certificate of registration on the documents specified under clause (a) of sub-rule (1) through computer system.

**235. Scanning of the documents.—**

(1) On completion of the registration procedure prescribed in Rule 231 to 234, the Registering Officer shall scan the document including the endorsements, registration certificates, the maps and plans etc., accompanying the document through the imaging software and scanner attached to the computer system.

(2) The Registering Officer shall generate a certificate of scanning as specified below through computer system. "The document has been scanned with the identification number ....."

(3) The Registering Officer shall print the certificate of scanning below the endorsements and registration certificate through computer system. The Registering Officer shall authenticate the certificate of scanning in permanent black ink.

(4) The duplicates registered along with the original documents shall not be scanned, but, the endorsements as per Rule 109(1), the stamp vendor's endorsement and certificate under Section 16 of the Kerala Stamp Act, 1959, on them shall be entered in the space provided for the purpose through the computer system.

**236. Return of documents.—**

(1) The Registering Officer shall return the document after registration to presenter or his nominee duly acknowledged in the prescribed register.

(2) The Registering Officer shall note the fact of return of the document below the certificate of scanning.

(3) The certificate of scanning and endorsement as to the return of the document shall be copied into the space provided for the purpose through the computer system.

**237. Archiving of the images of scanned documents.**— The Inspector General of Registration shall issue orders from time to time prescribing the procedure for archiving the images of the scanned documents. According to the procedure prescribed, the Registering Officer, the District Registrar and the Inspector General of Registration shall take the necessary action for the safe storage and archiving of the images of the scanned documents, including the following actions, namely:—

- (1) The images of the scanned documents shall be archived to suitably labelled CDs using the computer system and software.
- (2) The data shall be backed up in CDs regularly. Three copies of such back-ups shall be taken out for preservation, one each in the offices of the Sub Registrar, District Registrar and the Inspector General of Registration.
- (3) The Inspector General of Registration shall prescribe the procedure for generating the duplicate and triplicate copies of CDs completely filled with images of scanned documents.
- (4) The duplicate copies of the CDs, suitably labeled and sealed, shall be sent to the District Registrar within three days from the date of generation.

The duplicate copies of CDs shall be preserved by the District Registrar and shall be used for being produced as evidence whenever summoned by Courts.

- (5) The triplicate copies of CDs shall be sent to the Inspector General of Registration in the first weeks in January, April, July and October every year for preservation.
- (6) The CDs shall be properly preserved in good condition by taking appropriate measures and precautions.
- (7) The CDs shall be copied or re-archived at periodic intervals as specified in the procedure prescribed by the Inspector General of Registration.

**238. Indexing.**—

(1) The indexes described under Chapter XVIII shall be maintained through computer system.

(2) Copies of the digital data of the indexes shall be maintained in CDs in such manner and preserved at such places as the Inspector General of Registration may specify by order from time to time.

**239. Encumbrance certificates.**— Encumbrance certificates shall be generated through the computer system. Searches shall be made through the computer system and the software.

**240. Certified Copy.**— Subject to the restrictions contained in Section 57 of the Registration Act, Certified Copies of documents shall be generated through computer system. Searches shall be made through computer system.

**241. Revocation, cancellation and ratification of deeds already registered.**— On registration of deeds of endorsements, revocation, cancellation, ratification and rectification referred to in Rules 137(1) and 138(a) of the Registration Rules, the prescribed note shall be entered in the space provided for the purpose through the computer system.

**242. File Volume.**— Copies of documents received under Section 89, Memoranda under Sections 64, 65, 66 and 67 of the Act and copies of documents revoking instruments registered previously

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shall be scanned and filed in File Volumes as provided for in Chapter XXI through computer system.

**243. Miscellaneous files.**— In addition to the books, registers, files and records mentioned specifically in this Chapter, all the other books, registers, files, records, periodicals and returns that are to be maintained in a Registering Officer's office under the Registration Act, Rules, Departmental Orders, Government Orders or any other Act or Rules shall be maintained, preserved, searches made and certified copies issued through computer system.

**244. Security.**— The Inspector General of Registration shall issue orders prescribing a flawless security system and procedure to ensure the safety, secrecy and permanency of the computer system and the records and to avoid the chances of loss, misuse, manipulation or unauthorised access etc.]<sup>48</sup>

**APPENDIX I.**  
**(Rule 14)**

**Book 1** — Register of non-testamentary documents relating to immovable property.

**Book 3** — Register of wills and authorities to adopt.

**Book 4** — Miscellaneous register.

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*Copy of documents*

*Copy of endorsements and certificates*

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**Book 2** — Record of reasons for refusal to register

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<i>(1)</i>	<i>No. .... of 19...</i>	<i>Stamp</i>	<i>Date of document</i>	<i>Date and hour of presentation</i>
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<i>(2)</i>	Names and additions of the presentant.	Reasons for refusal.
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**Note.**— When a document refused registration is on appeal, ordered to be registered or when the refusal is confirmed a note of the fact shall be entered at the foot of this column.

*(3)* Names and additions of executants.

*(4)* Names and additions of persons examined.

*(5)* Abstract of document, together with the names of all claimants and all attesting witnesses.

Date ..... 19...

**Note.**— If the document is partially registered it will suffice to enter under this the number of the document with the volume and page.

Signature of Registering Officer.

**Note.**— Columns (2) to (5) need not be filled up in the case of refusals by the Registrar in appeal. But the number and year of appeal and the names of the appellant and respondent shall be entered at the top of the column “Reasons for refusal.”

**Book 5** — Register of deposits of wills.

*(1)* Number ..... of 19....

*(2)* Date and hour of presentation

*(3)* Name and addition of testator

*(4)* Name and addition of agent, if any

*(5)* Superscription on sealed cover

*(6)* Number of seals

*(7)* Inscription on the seal

- (8) Names and additions of persons testifying to the identity of the depositor

Date:

Signature of Registrar

- (9) Date of application to withdraw sealed cover  
(10) Names and additions of persons testifying to the identity of the applicant  
(11) Date of delivery of sealed cover to applicant

Signature of applicant

Signature of Registrar with date

- (12) Number of document in Book 3  
(13) Whether opened after the death of the testator or on requisition from court  
(a) Date of removal to court  
(b) Date of its return, when returned

## APPENDIX II.

*(Rule 5A)*

### Commission under Section 33 or Section 38 of the Indian Registration Act.

To

X. Y.

Whereas the accompanying power of attorney (document) dated the ..... and purporting to have been executed by A. B. has been presented for attestation (registration) in this office and whereas it is necessary that it should be ascertained whether it has been voluntarily executed by the person by whom it purports to have been executed. ...., son of ....., residing in ..... in your sub-district should be examined in connection therewith, you are hereby requested to take/order the examination of ..... upon the interrogatories hereunto attached and to return this commission with examination of the said ..... to this office on or before the ..... day of ..... 19....

Seal.

Signature of Registering Officer.

**APPENDIX III.**  
**(Rule 63)**  
**Abstract of Power-of-Attorney.**  
**Special/General.**

<i>Consecutive No. ....</i>	<i>Stamp .....</i>	<i>Date of execution .....</i>	<i>Date of attestation .....</i>
1. No. .... of 19....			
2. Name of the principal executing the power with addition.			
3. Name of attorney, with addition.			
4. Names of persons if any, who identified the principal with addition.			
5. Nature of power.			
6. Notes of interlineations etc.			
7. How attested.			<hr/> <i>On the execution of the power before the Registering Officer.</i> <hr/> <i>On the Registering Officer's personal examination.</i> <hr/> <i>On the Commissioner's report.</i> <hr/>
8. If also registered.			<hr/> <i>Registered as No. .... of 19.... of Book ..... Volume                  ..... pages .....</i> <hr/>

**Note.**— When a power is attested and registered at the same time, columns 4 to 6 need not be filled up.

Office,  
 Date.

Signature of Registering Officer.



**APPENDIX IV.**  
**(Rule 73)**  
**Register of Thumb Impressions.**

<i>Details of documents</i>			<i>Details of executants.</i>	
<i>Year</i>	<i>Book</i>	<i>Number</i>	<i>Full name and signature with date.</i>	<i>Left thumb impression.</i>
(1)	(2)	(3)	(4)	(5)

**Note.**— When an impression has been obtained from a person other than the executant or when a finger other than the left thumb has been used in affixing the impression, the fact should be noted under the impression.

Each impression on this page has been affixed in my presence and under my supervision by the persons whose name is entered next to it.

Date .....

Signature of Registering Officer.

**APPENDIX V.**  
**(Rule 98)**

**Sample forms of endorsements and certificate under Sections 52, 58, 59 and 60 of the  
Registration Act.**

**(Section 52)**

Presented in the office of the (Sub) Registrar of ..... and fee of Rs. .... paid at  
..... on the ..... 19.... by .....

(Left Thumb Impression).

Signature A.B.  
(with addition)

Executant or his representative or assign or the agent of such executant or representative or assign or claimant or his representative or assign or the agent of such claimant or representative or assign.

Identified by the (first, second, etc.) executant.

Identified by signature C.D. with addition.

Date:

Signature of Registering Officer.

**Note.**— (1) When a document is presented for registration at a private residence, the words “*at the private residence of ..... village (or at No. .... street)*” shall be substituted for the words “*in the office of the (Sub) Registrar of .....*”

(2) When a document refused registration by a Sub Registrar but ordered to be registered by the Registrar or the Court on appeal or suit is re-presented to a Registering Officer for registration, the words “*Presented again in the office of the Sub Registrar of ..... under the order/decree of the Registrar/Court of ..... dated ..... passed in appeal/ Suit No. .... of ..... and fee of*”

*Rs..... paid at ..... on the ..... 19... by .....*” shall be substituted for words *“Presented in the office of the (Sub) Registrar of ..... and fee of Rs..... paid at ..... on the ..... 19..... by .....*”

(3) The form *‘identified by the (first, second, etc.) executant’* shall be used when a document is presented by a person other than the executant and the presentant is identified by the executant and the form *‘identified by signature C.D. with addition’*, shall be used when a document is presented by a person other than executant and the presentant is identified by a person who is not the executant.

(4) When a document is presented by a messenger under Rule 29(ii) the following endorsement shall be made therein: *“Presented in the office of the (Sub) Registrar of ..... and fee of Rs..... paid at (here give the exact hour and minute) ..... on the ..... 19..... with letter No. .... dated ..... from ..... by .....*

LEFT-THUMB IMPRESSION AND SIGNATURE.

**(Section 58)**

Execution (and receipt of Rs..... being consideration in whole or in part, admitted by .....

Signature C.D. with addition.

Known personally to the (Sub) Registrar.

(Impression) Left Thumb.

Signature E.F. with addition  
representative or assign of G.H.

(IMPRESSION) Left middle finger.

Signature A.B. with addition.  
(Agent of I.J. under a general (or special power-of-attorney, dated and authenticated by the Sub Registrar of .....).

Identified by  
Signature M.N. with addition.  
Signature O.P. with addition.

Witness examined.

Signature W.X. Hammamnee or (Female attendant)

Rupees..... were paid (or jewels described in the instrument were delivered) in my presence by ..... to .....

Signature of Payer (or Deliverer)  
Signature of Payee (or Recipient)

Date:

Signature of Registering Officer

**Note.**— (1) When executant C.D. admits execution of the documents but declines to affix his signature thereto, the words *“Execution admitted by C.D. (with addition) who, however declines to affix his signature to the endorsement”* shall be substituted for *“Execution admitted by”*

“Signature C.D with addition.”

(2) When execution is admitted at a private residence the words “*at the private residence of ..... in ..... village (or at No. .... street)*” shall be inserted between the words “*admitted*” and, “*by*”

(3) Acknowledgement of receipt of consideration and payment of money should be recorded only on payment of special fee prescribed therefor.

**(Section 60)**

Registered as No. .... of 19..... of Book ..... Volume ..... Page....

(SEAL).

Date: \_\_\_\_\_ Signature of Registering Officer. \_\_\_\_\_

(When Registration is partially effected in the first instance).

Registered as No ..... of 19..... of Book ..... Volume ..... Page ..... as regards E.F. (or as regards property to be described in brief).

Date. \_\_\_\_\_ Signature of Registering Officer. \_\_\_\_\_

(SEAL).

Registration refused as regards G.H. (with addition).

Date. \_\_\_\_\_ Signature of Registering Officer. \_\_\_\_\_

(SEAL).

Registration refused as regards G.H. (with addition).

Date. \_\_\_\_\_ Signature of Registering Officer. \_\_\_\_\_

(When a document refused registration by a Registering Officer is registered under the orders of the Registrar or of the Court).

Registered under the orders of the Registrar/Court as No. of 19 of Book..... ...Volume Pageas regards G.H. (with addition).

Date. \_\_\_\_\_ Signature of Registering Officer. \_\_\_\_\_

(SEAL).

**APPENDIX VI.**  
**(Rule 141)**  
**INDEX No.I**

Name of		Addition	Village where property is situated	Office of original registration	Volume	First page of entry	Number of document
Executant	Claimant						
1	2	3	4	5	6	7	8

**INDEX No.II**

Village in which property is situate	Sub-District	Details of property, year, month and date							Nature and Value of transaction	Name and house name of		Stamps	Registration fee	Office of original registration	Volume	Page of entry	Register Number of documents	
		Survey Number			Description	Execution	Presentation	Registration		Executants	Claimants							
			Acre	Cent														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	

**INDEX Nos.III and IV**  
**(Rule 141)**

Name of		Addition	Nature and value of transaction	Stamp	Registration fee	Book	Volume	Page of entry	Register No. of document
Executant	Claimant								
1	2	3	4	5	6	7	8	9	10

Survey Number and sub-divisions.

Subsidiary Index (Rule 149).

1  
2-A  
2-B  
3  
4-A1  
4-A2

Number and year of documents registered.

**APPENDIX VII.**  
**(Rule 168 and 169)**  
**Certificate of Encumbrance of property.**

Certificate No. .... of 19.....

Application No. .... of 19 .....

..... having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of under-mentioned property.

(To be stated and described as given in the application.)

I hereby certify that a search has been made in Book 1 in the indexes relating thereto for ..... years from the ..... day of ..... 19.... to the ..... day of ..... 19.... for acts and encumbrances affecting the said property and that on such search the following acts and encumbrances appear:

Serial No.	<sup>(a)</sup> Description of property	Date of execution	<sup>(b)</sup> Nature and value of document	Names of parties		Reference to document entry		
				Executants	Claimants	Volume	<sup>49</sup> [Page] <sup>49</sup>	<sup>50</sup> [No. and Year] <sup>50</sup>
1	2	3	4	5	6	7	8	9

(a) Enter the description as given in the document found.

(b) 1. In the case of a mortgage deed enter rate of interest and period of payment, if stated therein.

2. In the case of leases enter term of lease and annual rental.

I also certify that save the aforesaid acts and encumbrances, no other acts and encumbrances affecting the said property have been found.

Search made and certificate prepared by (Signature.)  
 (Designation)

Search verified and certificate examined by (Signature.)  
 (Designation)

Office

Date:

Signature of Registering Officer.

(Seal)

**Note.**— (1) The acts and encumbrances shown in the certificate are those discovered with reference to the description of properties furnished by the applicant. If the same properties have been described in registered documents in a manner different from the way in which the applicant has described them, transactions evidenced by such documents will not be included in the certificate.

(2) Under Section 57 of the Registration Act and Rule 165(1) persons desiring to inspect entries in the register and indexes, or requiring copies thereof or requiring certificates of encumbrances on specified properties should make the search themselves when the registers and indexes will be placed before them on payment of the prescribed fees.

(a) But as in the present case the applicant has not undertaken the search himself, the requisite search has been made as carefully as possible by the office but the department will not on any account, hold itself responsible for any errors in the results of the search embodied in this certificate.

(b) And as in the present case the applicant has made the requisite search himself and as the acts and encumbrances discovered by him are shown in the certificate after verification the Department will not on any account hold itself responsible for the omissions in it of any other acts and encumbrances affecting the said properties not discovered by the applicant.

[(a) or (b) as the case may be, to be scored off.]

**CERTIFICATE SHOWING LIST OF DOCUMENTS EXECUTED BY OR IN FAVOUR OF A PERSON**

Certificate No. .... of 19....  
 Application No. .... of 19....

..... having applied to me for a certificate giving particulars of registered documents executed by or in favour of .....

I hereby certify that a search has been made for such documents in Book 1, 3 and 4 and in the indexes relating thereto for ..... years from the ..... day of ..... 19.... to the ..... day of ..... 19.... and that on such, the following appear:

Serial No.	Name of village in which the property affected by the document is situated	Date of execution	Nature and value of document	Names of parties		Reference to document entry			
				Executant	Claimant	Book	Volume	Page	No. and Year
1	2	3	4	5	6	7	8	9	10

I also certify that save the aforesaid documents, no others have been found.

Documents registered in Book 3 or 4 copies of which the applicant is not entitled to obtain under the provisions of Section 57 of the Indian Registration Act, are not covered by this certificate.

Search made and certificate prepared by (Signature.)  
 (Designation)

Search verified and certificate examined by (Signature.)  
 (Designation)

Office  
 Date:

Signature of Registering Officer.

(Seal)

**Note.**— (1) The documents shown in the certificate are those discovered with reference to the description of properties furnished by the applicant. If the same has been described in registered documents in a manner different from the way in which the applicant has described it, transactions evidenced by such document will not be included in the certificate.

(2) Under Section 57 of the Registration Act and Rule 165(1) persons desiring to inspect entries in the register and indexes, or requiring copies thereof or requiring certificates showing list of documents executed by or in favour of a person should make the search themselves when the registers and indexes, except Books Nos. 3 and 4 and the indexes relating thereto will be placed before them on payment of the prescribed fees.

(a) But as in the present case the applicant has not undertaken the search himself, the requisite search has been made so carefully as possible by the office, but the Department will not on any account hold itself responsible for any errors in the results of the search embodied in this certificate.

(b) And as in the present case, the requisite search for entries in Book 3 and 4 has been made by the Registering Officer as carefully as possible and by the applicant himself in regard to entries and as the acts and encumbrances discovered by him are shown in the certificate after verification, the Department will not on any account hold itself responsible for any errors in the results of the search embodied in this certificate.

[(a) or (b) as the case may be, to be scored off.]

**APPENDIX VIII.**  
**(Rule 180)**  
**Memorandum under Sections 64, 65, 66 and 67**

<i>Office of original registration</i>	<i>Volume</i>	<i>Page</i>	<i>No. and year of document</i>	<i>Stamp</i>	<i>Fees</i>
1.					

2. Previous registration.
3. Date of execution.
4. Date of presentation.
5. Date of registration.
6. Names and addition of executants.
7. Names and addition of claimants.
8. Nature and value of transaction.
9. Village or Pakuthi and Sub-district in which property is situated and the name and description of property.

Prepared by (Signature)

Designation

Examined by (Signature)  
 (Signature)

Designation (Reader)  
 Designation (Examiner)

Dated ..... 19...

(SEAL).

Signature of Registering Officer.

**Note.**— A detailed description of property lying in a sub-district other than that to which the memorandum is sent need not be entered in column 9, but instead the names of the villages in which the properties of those sub-districts are situate shall be shown separately.



**APPENDIX IX.**

**(Rule 152)**

**Register of preparation and examination of indexes.**

Document number or number of page of file book with date and description of filing	Description of register or volume of file book	Name of village or pakuthy in which property is situated	Initial letters of nominal indexes	Signature of indexer with date	Signature of the clerk who made the entries in subsidiary indexes and date	Date and examination of original and subsidiary indexes	Signature of reader with date	Signature of examiner with date	Remarks

<sup>51</sup>[APPENDIX X.

GOVERNMENT OF KERALA  
(കേരള സർക്കാർ)

REGISTRATION DEPARTMENT  
(രജിസ്ട്രേഷൻ വകുപ്പ്)

CASH RECEIPT  
രശീത്

Sub Registrar Office/സബ് രജിസ്ട്രാർ ഓഫീസ്

Date/തീയതി		Receipt No./രശീത് നമ്പർ	
Number/നമ്പർ (Document Number, G.S. Number, etc.)			
Name/പേര്			
Description/വിവരണം		Amount/തുക	
Total/ആകെ			

In words/അക്ഷരത്തിൽ

Signature of the Registering Officer  
രജിസ്ട്രാറുടെ ഉദ്യോഗസ്ഥന്റെ ഒപ്പ്<sup>51</sup>

<sup>52</sup>[APPENDIX –XI.

[Rule 215A(i) of the Registration Rules (Kerala)]

**Form of application for the cancellation of documents under sub-section (1) of Section 83A of the Registration Act, 1908**

1. Name of the Applicant/Applicants :
2. Full Address :
3. Name of respondents with address :
4. Reg. No., date & nature of document to be cancelled :
5. Name of the Registration Office where the document was registered :
6. Details of the property affected by the document :
  - (i) Sy. No., Sub division No., and extent in Hectare, Are, Sq. metre :
  - (ii) Name of the Village :
  - (iii) Ward/Kara etc. :
  - (iv) Name of the Municipality, Corporation, Panchayath :
  - (v) Urban/Rural :
  - (vi) Name of Registration Sub District, Taluk and District :
  - (vii) Registration office, in the jurisdiction of which, the property is situated :
7. Grounds for filing the application :
8. Details of certified copies of relevant documents and other details supporting the applicant's contentions produced along with the application :
  - 1.
  - 2.
  - 3.

Place:  
Date:

Signature of the applicant.

**APPENDIX – XII.**

**[Rule 215A(ii) of the Registration Rules (Kerala)]**  
**Register of applications for cancellation of Registered documents**  
**In the Office of the Inspector General of Registration**

Sl. No.	Date of Receipt	File Number & Year in the Office of the Inspector General of Registration	Name of Applicant	Name of Respondent	No./Year of document	Registration Office in the jurisdiction of which the property is situated	Registration Office in which the document is registered	Date of enquiry/hearing	Enquiry Officer entrusted	Date of receipt of report from Enquiry Officer	Date of hearing of Inspector General of Registration	Date of order of Inspector General of Registration	Abstract of Order	Initial of officer	Date of disposal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

**APPENDIX - XIII.**

**[Rule 215A(v) of the Registration Rules (Kerala)]**  
**Register of applications received for enquiry under Section 83A(1)**  
**In the Office of the Enquiry Officer**

Sl. No.	File Number in the Office of the Inspector General of Registration	Date of Receipt	File Number & Year	Name of Applicant	Name of Respondent	No./Year of document	Registration Office in the jurisdiction of which the property is situated	Registration Office in which the document is registered	Date of enquiry/hearing	Date of report to Inspector General of Registration	Date of order of Inspector General of Registration	Initial of officer	Date of disposal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

**APPENDIX – XIV.**

**[Rule 215B(v) of the Registration Rules (Kerala)]**

**Register of Recommendations of District Collectors for Cancellation of Registered Documents.**

Sl. No.	File Number in the Office of the Inspector General of Registration	District	Date of Receipt	District Collector's File Number and Year	Name of Applicant (if any)/ suo motu	Name of Respondent	No./Year of document	Registration Office in the jurisdiction of which the property is situated	Registration Office in which the document is registered	Order date of Inspector General of Registration	Abstract of order	Initial of officer	Date of disposal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

**Footnotes:**

1. Substituted by Notification No.MR.1-2/72, dated 18/10/1973, published in Kerala Gazette No.44, dated 06/11/1973.
2. Substituted by Notification No.4-35950/86, dated 12/08/1986, published in Kerala Gazette No.42, dated 28/10/1986 (w.e.f. 01/10/1986).
3. Substituted by Notification MR.1-2/72, dated 26/04/1973, published in Kerala Gazette No.19, dated 08/05/1973.
4. Figure “186” omitted by Notification No. Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959.
5. Substituted by Notification RR.4-34540/94 dated 05/07/1995, published in Kerala Gazette Extraordinary No.659, dated 05/07/1995, for the words “two lakhs rupees”.
6. Amended by Notification No.Ins.4-21410/89, dated 13/06/1990, published in Kerala Gazette No.31, dated 31/07/1990.
7. Inserted by Notification No.Ins.3-48459/1975, dated 18/10/1976, published in Kerala Gazette Extraordinary No.44, dated 18/11/1976.
8. Inserted by Notification No.RR.4-5448/2003, dated 04/05/2007, published in Kerala Gazette Extraordinary No.830, dated 04/05/2007.
9. Inserted by Notification No.RR.9-4120/2016, dated 19/07/2016 in Kerala Gazette Extraordinary No.1280, dated 19/07/2016.
10. Substituted by Notification No.Ins.4-1130/58, dated30/09/1959, published in Kerala Gazette dated 03/11/1959, for “of refusal”.
11. Substituted by Notification No.4-1130/58, dated 17/10/1962, published in Kerala Gazette dated 15/01/1963, for “Impounded and forwarded to the Collector under Section 38 of the Indian Stamp Act, under Section 40 of the Travancore Cochin Stamp Act”.
12. The word “Indian” omitted by Notification No.MR.1-2/72, dated 26/04/1973.
13. Substituted by Notification No.MR.1-2/72, dated26/04/1973.
14. Inserted by Notification published in Kerala Gazette Extraordinary No.1936, dated 21/10/2009.
15. Inserted by Notification No.RR.4-5448/2003, dated 04/05/2007, published in Kerala Gazette Extraordinary No.830, dated 04/05/2007.
16. Inserted by Notification No.RR.9-5448/2003, dated 22/03/2014, published in Kerala Gazette Extraordinary No.16, dated 22/04/2014.
17. Amended by Notification G.O.No.Ins.4-19662/64, dated 23/03/1965.
18. Inserted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, Part III.
19. Amended by Notification No.Ins.4-1130/58, dated 17/10/1962, published in Kerala Gazette dated 15/01/1963, Part III, for “next to it”.
20. Amended by Notification No.Ins.4-1130/58, dated 17/10/1962, published in Kerala Gazette dated 15/01/1963, Part III, for “next to them”.
21. Amended by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, Part III, for “appropriate pages”.
22. Amended by Notification No.Ins.4-1130/58, dated 17/10/1962, published in Kerala Gazette dated 15/01/1963, Part III, for “next to it”.
23. Substituted by Notification No.4-1130/58, dated 17/10/1962, published in Kerala Gazette 15/01/1963, Part III.

24. Added by Notification No.Ins.5-21018/61, dated 20/04/1963, published in Kerala Gazette dated 07/05/1963.
25. Added by Notification No.Ins.5-21018/61, dated 20/04/1963, published in Kerala Gazette dated 07/05/1963.
26. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, Part III.
27. Substituted by Notification G.O.Ins.4-10038/65, dated 25/11/1965.
28. Amended by Notification No.Ins.4-24099/64, dated 10/02/1966, published in Kerala Gazette Extraordinary No. 9 dated 09/01/1966.
29. Inserted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, Part III.
30. Inserted by Notification No.5-14570/61, dated 05/12/1961, published in Kerala Gazette dated 02/01/1962.
31. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**erasures**”.
32. Words “**or alteration**” omitted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959.
33. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**scored or altered**”.
34. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**Erasures**”.
35. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**Alteration**”.
36. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**erasures**”.
37. Substituted by Notification No.Ins.4-1130/58, dated 30/09/1959, published in Kerala Gazette dated 03/11/1959, for “**erased**”.
38. Added by Notification No.Ins.4-1340/59/RD, dated 02/12/1959, published in Kerala Gazette dated 22/12/1959.
39. Renumbered by Notification No.G.O.(P)Ins.4-36170/89, dated 10/04/1991, published in Kerala Gazette No.18, dated 30/04/1991.
40. Inserted by Notification No.G.O.(P)Ins.4-36170/89, dated 10/04/1991, published in Kerala Gazette No.18, dated 30/04/1991.
41. Substituted by Notification No.Ins.4-27907/78, dated 10/03/1981, published in Kerala Gazette No.16, dated 21/04/1981.
42. Substituted by Notification No.Ins.4-4439/81, dated 07/07/1982, published in Kerala Gazette No.33, dated 17/08/1982.
43. Inserted by Notification No.RR.4-5448/2003, dated 04/05/2007, published in Kerala Gazette No.830, dated 04/05/2007.
44. Inserted by notification published in Kerala Gazette Extraordinary No.1936, dated 21/10/2009.
45. Inserted by Notification No.RR.3-5884/2008, dated 27/02/2015 in Kerala Gazette Extraordinary No.12, dated 24/03/2015.
46. Substituted by Notification No.Ins.4-1130/58, dated 17/10/1962, published in Kerala Gazette dated 15/01/1963.
47. Substituted by Notification No.Ins.5-19673/60, dated 15/03/1961, published in Kerala Gazette dated 04/04/1961.



48. Added by Notification No.IT.1-24330/2000, dated 29/05/2003 published in Kerala Gazette Extraordinary No.907.
49. Substituted by Notification No.Ins.4-1130/58, dated 30/09/195962, published in Kerala Gazette dated 03/11/1959, for "Page No."
50. Substituted by Notification No.Ins.4-1130/58, dated 30/09/195962, published in Kerala Gazette dated 03/11/1959, for "Year".
51. Added by Notification No.IT.1-24330/2000, dated 29/05/2003 published in Kerala Gazette Extraordinary No.907.
52. Inserted by Notification No.RR.3-5884/2008, dated 27/02/2015 published in Kerala Gazette Extraordinary No.12, dated 24/03/2015.

