

L.Dis.Ins.4-43155/65

Office of the Inspector -General of Registration, Kerala, Trivandrum-1,
19th January 1966.

GENERAL MEMORANDUM

Sub.— Cancellation of Wills in settlement deeds- Levy of fee- Doubt-Clarification regarding

Ref.— From the Registrar, Kottayam No. C3-7705/65, dated 16th December 1965.

A question has been raised as to whether cancellation of Wills effected by parties in settlement deeds executed by them, has to be taken due notice of and a registration fee need be levied on that. After examining the issue, in all its aspects the following orders are passed for guidance of Registering Officers.

According to the instructions contained in Registration Rule 138 (a) notes of cancellation, revocation, etc., can be added at the foot of the entry relating to the original document only in cases when the cancellation or revocation deeds are also registered in the same class of register books, in which the originals are registered. Therefore it is evident that no notes of cancellation can be made under the foot of the original entry, in regard to such cancellation of wills effected in settlement or other deeds registrable in Books I and IV; and as such the cancellation so effected by parties may be ignored for registration purposes and no registration fee need be realised in that behalf. Parties may therefore be advised in such cases to effect the cancellation of their previous wills, by drawing up separate cancellation deeds at the same time explaining to them the consequences of their failure to follow the said instructions.

A notice pointing out the above may also be displayed on the notice board of all offices, for the information of parties, specifically pointing out that if cancellation of previous wills are effected in settlement deeds it will be totally ignored for registration purposes.

Sd.

For personal Assistant