

**THE  
KARNATAKA  
REGISTRATION RULES, 1965**

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## **<sup>1</sup>THE**

## **KARNATAKA**

## **REGISTRATION RULES, 1965**

(As amended by Karnataka Registration (A) Rules, 1971, GSR 33, dated 16-7-1985, Notification Nos. RD 41 ESR 83, dated 6-11-1986, RGN 2/2000-03, dated 1-4-2002, RGN 2/2002-03, dated 19-6-2002 and RGN 287/02-03, dated 29-3-2003.)

G.S.R. 811. – The following rules made by the inspector General of Registration for the State of Karnataka in exercise of the powers conferred by Section 69 of the Indian Registration Act, 1908 (Central Act XVI of 1908), in its application to the State of Karnataka and of all other powers enabling him in this behalf and in supersession of:-

- (1) the Hyderabad Registration Rules, 1956 as in force in the Revenue Districts of Bidar, Raichur and Gulbarga;
- (2) the rules framed under Section 69 of the Indian Registration Act (III of 1877) as in force in Coorg District;
- (3) the rules framed under the Indian Registration Act, 1908 and in force in the revenue Districts of South Kanara and Bellary and Kollegal Taluk;
- (4) the Bombay Registration Rules, 1946 as in force in the revenue Districts of Belgaum, Bijapur, Dharwar and North Kanara; and
- (5) the Registration Rules for Mysore framed under the Mysore Registration Regulation (No. 1 of 1903) as in force in the Revenue Districts of Bangalore Rural, Bangalore Urban, Kolar, Chitradurga, Tumkur, Mysore, Mandya, Hassan, Shimoga and Chickmagalur,

Having been approved by the Government of Karnataka, are hereby published for general information namely.-----

## **CHAPTER I**

### **Preliminary**

Title and commencement.---(i) These rules may be called the Karnataka Registration Rules, 1965.

(ii) They shall come into force on the first day of April, 1966.

Definitions. – (i) In these rules, unless the context otherwise requires.----

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1. Published in the Karnataka Gazette, dated 27-1-1966, vide Notification No.Rd-112 GRG 62, dated: 16-12-1965

“Act” means the Indian Registration Act, 1908 (Central Act XVI of 1908);

<sup>1</sup>[(aa) “Document Sheet” the sheets supplied by the department for preparing any kind of instrument which bears the emblem of the state and the name of the Department and such other particular as may be necessary;]

- (b) "Form" means a form in Schedules A, B and C;
- (c) "Indexes" means the indexes mentioned in Section 55;
- (d) "Inspector" means Inspector of Registration Offices appointed Under section 8;
- (e) "Register Books" means books kept under Section 51 including Additional Register Books opened under Rule 22 and Supplements opened under Rule 17;
- (f) "Schedule" means a Schedule appended to these rules;
- (g) "Section" means a section of the Act.
- (ii) Words and expressions used in these rules but not defined shall have The same meaning assigned to them in the Act.

## **CHAPTER II**

### **Office Hours and Holidays**

3. Office Hours.--The office hours of all Registrars and Sub-Registrars shall be the hours fixed by the Government for Revenue offices, as hours of working.

4(i) A Registering officer may decline to receive a document for registration if presented <sup>2</sup>[one] hour before the close of the office, when he has sufficient work to attend to after that hour, in connection with document, previously admitted to registration.

(ii) Notwithstanding anything contained in sub-rule (1), in cases of grave emergency, a Registering officer may accept any document for registration at his office or at the residence of <sup>3</sup>[any] person desiring to present a document for registration or to deposit a Will at any hour on any day. In all such cases, Sub-Registrar shall at once report to the Registrar to whom he is subordinate the fact of his having accepted a document for registration and the reasons for his doing so.

Explanation. – For the purpose of this sub-rule "day" means a day beginning one hour before sunrise and ending one hour after sunset.

5. Holidays. – The holidays to be observed in registration offices shall be the holidays notified by the Government, as public holidays.

## **CHAPTER III**

### **Registering officers**

6. Residential address of the Registering officers.---A notice stating where the Registering officer resides shall be affixed outside each registration office.

**7. Joint Sub-Registrars.**--- When two or more offices are established

Sub-district as joint offices, each of the officers appointed to the charge

1. Inserted by Notification No.RGN 287/02-03, dated:29-03-2003 w.e.f. 29-03-2003.
2. Substituted for the word "two" by Karnataka registration (Amendment) Rules, 1971.
3. Substituted for the word "some" by Karnataka Registration (Amendment) Rules, 1971.

thereof shall be designated as Joint sub-Registrar and shall have concurrent jurisdiction over the whole sub-district.

**8. Registration by a joint sub-registrar.**---(i) When a Joint sub-Registrar is appointed, either as a temporary or permanent measure, to assist a sub-Registrar, he will have no separate office or establishment but will work with the other permanent Sub-Registrar the documents registered by both Sub-Registrars being entered in the same returns and registers and indexed in the same sheets.

(ii). In case referred to in sub-rule (1) one of the Sub-Registrars may complete the registration or authenticate the entry of a document admitted to registration by the other Sub-Registrar, when circumstances arise which prevent the latter officer from performing those duties.

(iii) The senior of the two Sub-Registrars shall sign and be designated as Sub-Registrar and the others as joint Sub-Registrars.

(iv) Each official will be held responsible for the work done by him; though the Sub-Registrar will be generally responsible as the head of the office.

## CHAPTER IV

### Seals

**9. Custody and use of Seals.**---(i) The Seal of a Registering Officer shall always remain in his personal custody and shall be under lock and key when not in use.

(ii) It shall be sued in authenticating.---

- (a) The certificates endorsed on a registered instrument under Section 60;
- (b) power of attorney authenticated or 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 30, 168 and 169(IV);
- (f) copies of orders of refusals to register granted under Section 71 and 76;
- (g) copies other than those referred to above granted to parties;
- (h) certificates and lists granted to applicants under Rule 148;
- (i) copies of judgments of Registrars in appeal cases;
- (j) reproduced entries of old registers.

Note.---- Every deed or copy drawn on two or more sheets of paper shall have an impression of the seal of the Registering Officer across each joint.

10. 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 V

### Languages

11. **Languages in use in Districts.**--- The following languages shall be deemed to be commonly used in the districts and sub-districts specified below, namely.---

I---Kannada and English

All districts and sub-districts in the State.

II---Telugu

Bellary District.

III-Marathi

Districts of Belgaum, Bijapur, Dharwar and Norht-Kanara.  
Sub-Districts of Aland, Bidar and Gulbarga.

IV---Urdu

Districts of Bidar, Gulbarga and Raichur.

12. **Foiling of copies of documents.**--- (i) The Stamp vendor's endorsement on a document shall be considered to be a 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 true copy and a true translation (signed by him).

(ii) (a) When a power-of-attorney is presented for authentication or attestation or when an authenticated or 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 of the presentant a true translation of the power-of-attorney in English or a language commonly used in the district.

- (b) The translation shall be certified to be a true translation and shall be signed by the presentant.
- © No fee is leviable for filing a translation, if the power-of-attorney is or has been authenticated or attested by the Registering Officer.

(d) The translation shall be stitched along with the power-of-attorney, when the power-of-attorney is presented for authentication or attestation, and the seal put on the joints and the translation shall be filed along with the power-of-attorney when the power-of-attorney is presented with or in connection with a document presented for registration.

## CHAPTER VI

### Description of Property

**13. Territorial Divisions.**----- The territorial divisions recognized for the purpose of Section 21 shall be.----

- (a) the registration district,
- (b) the registration sub-district,
- © the taluk, town, or city,
- (d) any well-known division, such as a Hobli, in the case of a town or a city a municipal ward or a division,
- (e) the village, hamlet or suburb in which the property referred to in a registerable document is situated.

**14. Description where not required.**--- If property is described in a document by a special 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 13 and such a description of the property as is required by the rules in force, the description need not be repeated in the document.

**15. Description in cases of non-testamentary documents.**--- (i) Whenever any non-testamentary document presented for registration relates to land situate in any local area in respect of which a rule has been made under Section 22(1) 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 field or sub-divisions

the document specifies the number of each field or sub-division and that if the land has no separate number assigned to it, the document specifies the number assigned to the field or sub - division in which the land is situated and further includes a description of the land sufficient for its identification.

(ii) Lands in those taluks in which mapping is completed should be described in non-testamentary documents presented for registration by reference to the serial numbers (Pot Hissa Numbers as well as survey numbers) in the maps prepared under the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964).

(iii) In areas where a city survey is complete, the parties should be directed to have the <sup>1</sup>[city] survey number invariably entered.

## CHAPTER VII Books and Forms

**16. Form of Register Books.**---(i) The Register Books to be kept under Section 51, shall be in machine ruled Forms 1 to 5 specified in Schedule A.

(ii) Where necessary more than one volume of the same class may, with the previous sanction of the Registrar be used simultaneously for the registration of documents.

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<sup>1</sup>, Substituted for the word "cadastral" by Karnataka Registration (A) Rules, 1971.

**17. Supplement to Register Book No. 1 and File of Copies and Translation.**---(i) Supplements to Register Book No. 1 shall be kept as follows.---

**part I** --- (for the purposes of Sections 64, 65, 66 and 67);

**Part II** --- (for copies of maps or plans mentioned in Section 21);

**Part III** --- (a) for copies of certificates of sale of immovable property granted by Civil Courts and Revenue officers;

(b) for statement regarding land acquired under the Land Acquisition Act, 1894, received from the Deputy Commissioner;

<sup>1</sup>[**part IV**--- copies of the instruments and collateral securities executed Under the Karnataka Land Improvement Loans Act, 1963 (Karnataka Act 16 of 1963) and the Karnataka Agriculturists Loans Act, 1963 (Karnataka Act 17 of 1963), received from Revenue officers.

**Part V**--- Copies of instruments received from the Land Development Banks under Section 85-A of the Karnataka Co-operative Societies Act, 1959.]



(ii) A separate file shall also be opened for filing copies translations presented under Sections 19 and 62 of the Act or under Rule 12(1). The copies and translation placed in this file shall be connected by a cross reference with the entry in the register.

(iii) A separate file shall also be maintained for communications received from officers of other departments intimating the cancellation , Modification or rectification of transactions evidenced by papers previously filed or registered.

**18. Pages in Registers and File Books.**--- The registers and file books shall contain such number of pages as the Inspector General may from time to time prescribe.

**19. Supply of Books.**--- Books for registers and indexes will be supplied for the use of the Registrars and Sub-Registrars from the office of the District Registrar by whom the number of pages contained in each book will be certified on the fly leaf. Every Registrar and Sub-Registrars shall at all times have a reserve supply consisting of atleast one additional copy of each book except Register book Nos.2 and 5,and will submit timely indent for further supplies.

**2[19-A. Supply of document sheets.**— The document may be prepared on the document sheet available for sale in the registration office or in such place as directed by the Inspector General of Registration or on Bond paper or white paper paper of thickness ranging from 80-120 GSM and shall the first typed copy or printed using black ink on A4 size paper. The format will be as prescribed by the Inspector General of Registration from time to time. All of signatures of the parties to the document shall be in black ink. So also the endorsement made under the Act.]

**20. Manner of certifying and verifying pages of new Register books and the simultaneous use thereof.**--- (i) Every officer shall certify under his signature on the title page of every Register book perused by him, the number of pages actually contained in such book as required by sub-section (2) of Section 16 and shall also note the date of issue thereon.

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1. Parts IV and V substituted by Karnataka Registration (Amendment) Rules, 1971.
  2. Rule 19-A Inserted by Notification No. RGN/287/02-03, dated: 29-03-2003, w.e.t, 29-03-2003.

(ii) Every Registering officer on receiving a new Register book, shall count its pages and satisfy himself that their number tallies with that given in the certificate on the title page. If it so tallies the Registering officer shall certify to that effect on the title page and note thereon the date of the certificate. If the number does not so tally, he shall return the Register book to the issuing officer for rectifying the error. The Registering officer shall

note on every Register book received by him the date of its receipt by him under his signature, and shall take out the books for use in order of their receipt:

Provided that when the amount of copying is great two or more volumes of Register books numbers 1,3 and 4 may be used simultaneously. In such case, the use of the Register books shall be regulated according to the instructions issued by the Inspector General in this behalf.

**21. Procedure when Book is not in stock.**---- Should a Registering officer who requires a fresh Register book has no blank register in stock, instruments tendered for registration shall, nevertheless, be received as usual, the necessary enquiries shall be held and the prescribed

endorsements on the documents shall be entered. As, however, the certificate of registration cannot be added until the instruments has been copied into the Register book the instruments in all such cases shall remain in the custody of the Registering officer until they have been copied into a Register book and the process of registration has been completed.

**22. Opening of additional Register books for documents prepared on printed or lithographed or typed (first copy) forms and manner in which copies to be pasted.**--- (i) Special volumes of Register books Numbers 1,3 and 4 (hereinafter referred to as the "additional Register books") may be opened in any registration office where documents prepared on printed or typed (first copy) or lithographed forms are presented for registration by the parties.<sup>1</sup>[x x x x ]

(ii) The copy of each document with endorsement thereon in the original required for entry in an additional Register book shall be made by filling in blanks in the spare copy of such document supplied by the parties or by the Department and by copying the endorsements on the spare copy or on a separate sheet of paper, when necessary. Each sheet of such copy shall then be pasted on a separate numbered butt in the appropriate additional Register book and the Registering officer shall write his signature and the date, and shall affix the seal of the office, so that both signature and seal may be partly on each butt, so used and partly on the sheet pasted thereon.

(iii) All documents entered in additional Register books shall be numbered in the same series as documents copied in the ordinary volumes of the Register books. Whenever any document is transferred from Register books Numbers 1,3 or 4 to the additional Register book Number 1,3 or 4 respectively, a brief note indicating the number of the document and the page of the additional Register book at which such document has been pasted shall be inserted in the Register book Number 1,3 or 4, as the

case may be, at the place where the document in question would have been copied but for the transfer.

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1. Omitted by Notification No. RGN 2/2002-03. dated:01-04-2002, w.e.f. 4-4-2002.

<sup>1</sup>[(iv) The copy of the document shall be prepared on the "Document copying sheets" available for sale in the Registration Office or in such place as directed by the Inspector General of Registration or on Bond paper or White paper of thickness 80 GSM and shall be first typed copy or printed or lithographed on A4 (210x297 mm) size paper. It shall have 1.5 "margin on left side, 1.0" on top and bottom and 0.5 " on the right side.

(v) The document copying sheet shall bear printed words "Government of Karnataka, Registration and Stamp Department" with the State Emblem in the middle at the top outside the border line

<sup>2</sup>**[22-A. Preparation of copy. ----** (i) The copy shall be typed, printed or lithographed or computer printed on document copying sheet in clear and legible lines. The typing, printing, lithographing or computer printing shall be in long lasting black ink.

(ii) Each page of the copy of the document shall be an exact reproduction of the page of the original document; however it need not be a facsimile copy. Everything appearing in each page of the original document including the signatures of the parties, attesting witnesses, etc., shall be faithfully copied in the copy.

(iii) Both sides of each sheet may be used for preparing the copy. No part of the copy shall be typed, printed or lithographed or computer printed outside the border area specified.

(iv) If it is necessary to correct a word or figure, the incorrect word or figure shall be scored out instead of overwriting and the correct one written afresh. No altered word or figure shall be allowed to remain in the copy without being scored out. No word or letter shall be overwritten or typed by using white fluid.

(v) The Stamp Vendor's endorsement on each of the stamp papers shall not be copied by the person preparing the copy. The same shall be copied by the staff of the Registration department.

(vi) The copy shall be signed by the executant and presentant of the document for registration, at the end of each page.

**22-B. Documents registered in duplicate, etc.---** (i) When a document is presented for registration in duplicate or in more than two copies, it shall not be necessary to present more than one filing copy.

(ii) If the copy appears to the registering officer to be defective in respect of any such requirement, it shall be returned to the presentant with advice to resubmit the same after rectifying the defects or with a fresh copy free from such defect.

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1. Sub-rules (iv) and (v) inserted by Notification No. RGN 2/2002-03. dated: 1-4-2002. w.e.f, 4-4-2005.
  2. Rules 22-A, 22-B and 22-C inserted by Notification No. RGN 2/2002-03, dated 1-4-2002, w.e.f. 4-4-2002.

**22-C. Procedure on admission of document to registration and mode of authenticating copy and filing it.---**(i) The copy presented with the document shall be compared by the staff of the registration office with the original document carefully. Such entries and corrections shall be made in the copy as may be necessary to make it an exact copy of the original.

(ii) Immediately after copying the document (including the copy of the signatures of the parties and attesting witnesses and of the document writer) the Stamp Vendor's endorsements shall be copied by a member of the staff of the registration office. The value of the stamps (stamp papers) borne by the document shall then be entered in the copy in the language of the document. When no stamp is used for the document, the entry to be made shall be 'Stamp NIL'. Any certificate on the document relating to stamp duty shall then be copied.

(iii) The heading "copy of endorsements and certificate" shall be copied on the line next below the line containing the stamp entry and below such heading shall be copied the endorsements made on the document.

(iv) After the copy has been compared and made an exact copy of the original including the endorsements and compared, the volume of the register book in which it is to be filed shall be determined and the page numbers to be assigned in the volume shall be affixed on the pages of the copy by a numbering machine.

(v) The registration certificate required by Section 60 shall then be entered on the document showing therein the number on volume of the register book and the pages in which the copy of the document is filed. The registration certificate required to be copied under sub-section (1) of Section 61 shall then be copied in the copy immediately after the copy of the endorsements.

(vi) After the registration certificate is copied the procedure prescribed in Rule 122 of these Rules shall be followed.

(vii) The completed register book volumes shall be got bound at the registration office, concerned in the presence of the registering officer, in such manner and at such intervals as may be prescribed by the Inspector General of Registration. It is the collective responsibility of the staff of the office to preserve these records till it is bound into volume].

**23. Minute Book and its use.**---- Every Registering Officer shall keep a Minute Book in Form 6 and shall enter thereon in his own hand; a shorth note of every case of suspension or deviation form ordinary procedure of acceptance for, and admission to registration and shall also record therein notes of such other proceeding of case as may from time to time be

prescribed by the inspector General. Every such note shall be signed and dated by the Registering Officer:

Provided that a Registrar may delegate to a Sub-Registrar holding his office at his headquarters the duty of writing such note, but shall sign the same himself, such note shall be necessary.

- (a) When a Registrar or Sub-Registrar impounds a document for insufficiency of stamp duty;
- (b) when a Sub-Registrar postpones registration pending receipt of sanction to the levy of fine;
- (c) when a Sub-Registrar refuses registration;
- (d) when a document is received out of office hours or at another place;
- (e) when a summons is issued for enforcing the attendance of the executant nor other witnesses;
- (f) When a document is withdrawn.

**24. (i) Daily Register.**---- Every Registering Officer shall maintain a register called "Daily Register" in Form 7. This Register shall be in the personal custody of the Registering Officer and the entries in it shall be personally made by him. At the end of the day's entries, the total fees realized shall be written in words also and he shall affix his signature.

**(ii) Cash Book.**---- In every registration office, there shall be kept a columnwise cash book in form as prescribed in Article 334 of the Karnataka Financial Code, 1958, vide Form 8 of Schedule A. The total of all fees received shall be brought to account in the cash book every day and

the Registering Officer shall sign the same in token of the correctness of the day's total.

(iii) The following registers should also be maintained in each Registration Office.----

(a) A Register of impounded documents (in Form 9 of Schedule A).

(b) A Register of unclaimed documents (in Form 10 of schedule A).

(c) A Register of deficient fee and stamp duty (in Form 11 of Schedule A).

**25. Register of Powers-of-Attorney.----** Every Registering Officer shall keep a register of the power-of-attorney authenticated or attested by him under Section 33 in Form 12 of Schedule A. The entries in this register shall be made for each financial year.

**26. Forms of Memoranda under Sections 64 to 67.---** The memoranda of document in required to be made under Sections 64, 65, 66 and 67 shall be in Form 25.

**27. Numbering of volumes of Register books.---** The volume of each Register book shall be numbered in a consecutive series which shall not terminate with the year but be carried on perpetually; and it shall not be necessary to commence a fresh volume of a Register book at the beginning of a year.

**28. Manner of keeping of Register books and records when not in use.---** The Office of every Registrar and Sub-Registrar shall be provided with shelves, presses of almirahs, sufficiently sufficiently large to contain the Register books and other record. Therein shall be kept, when not required during office hours all the Register books and other records, and all papers and documents in the custody of a Registering Officer other than the documents kept by a Registrar in the-proof box supplied to him by Government under sub-section (3) of Section 16.

**29. Preservation of books.---** All the books shall be preserved in the Office of the District Registrars and Sub-Registrars concerned, in the manner approved by the Inspector General of Registration.

## CHAPTER VIII

**Re-copying of Register books which are in danger of being destroyed of becoming wholly or partially illegible.**

**30. Direction of Registrar regarding re-copying of damaged Register books.**---- A Registrar may, on the report of an Inspector made to him under Rule 218 or after personal Inspection, by a written order direct under sub-section (5) of Section 51 that any particular Register book or portion thereof which is in danger of being destroyed or becoming wholly or partially illegible shall be re-copied by hand:

Provided that where only a portion of an entry is in danger of being destroyed or becoming illegible, the Registering Officer shall direct that the whole entry including the true copy certificate shall be re-copied.

**31. Preservation of sheets.**---- The sheets containing the reproduced entries shall be preserved in a cover under the seal and signature of the Registering Officer, with a slip pasted over the cover to show its contents. A note about their preservation shall be made in the Register of Records.

**32. Numbering of new Register books and <sup>1</sup>[preservation] of old Register books.**--- When an entire book is re-copied the new book shall bear the same number as the old one. After the entries in the new books have been compared with the entries in the old book and the new book certified by the Registering Officer, the old book shall be preserved and a note about its preservation shall be made in the Register of Records.

**33. Manner of re-copying from the original.**---- (i) The original shall be faithfully reproduced 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.

(ii) The entries as copied shall be compared and authenticated as a true copy by the Registering Officer with date and seal in the manner laid down in Rule 122.

(iii) Uninitialled interlineations, etc., in the original shall be noted above the signature of the clerk who copies and compares, and these notes shall be attested by the Registering Officer.

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

(v) A note of the Registrar's order directing the re-copying of the entry shall be made below the true copy certificate so re-copied.

**34. Manner of assigning serial number to the entries copied in new Register books.**--- (i) Register showing particulars of Register books

partially re-copied, and its preservation. Notes below entries in old Register is to be re-copied, the new book in which it is recopied shall bear a fresh serial number such as 1-A, 2-A, 3-A, 4-A, or 5-A, as the case may be.

(ii) A register in the following form shall be maintained in which full particulars of the books partially re-copied shall be entered, namely,----

- (a) Serial number.
- (b) Register numbers of the entries recopied.
- (c) Number of the pages of the old book the entries of which have been recopied.
- (d) Number of the old book.
- (e) Number of the new book.
  
- (f) Number of the pages of the new book on which entries have been recopied.
- (g) Authority under which the entries have been recopied.

Such register shall be preserved permanently.

(iii) A note shall be made in the old book below each original entry which has been recopied showing the number of the new book and the number of the page of such book in which the entry has been re-copied.

**35. Signing and dating of notes.**---- All notes made under the rules contained in this part shall be signed and dated by the Registering Officer.

**36. Repairing of damaged books by use of butter paper.** ----If, in the opinion of a Registrar, any Register book which is wholly or partially damaged but the writing on which is clear and legible and which is less than 60 but more than 40 years old can be repaired by using butter paper, he may by an order in writing direct that such book or such portion thereof as he thinks fit shall be so repaired instead of being re-copied as provided in Rules 30 to 33.

**<sup>1</sup>[36-A, Reconstruction of documents destroyed.**--- Where due to fire tempest, flood, excessive rainfall, violence of any army or mobor other irresistible force any, or all of the books specified in sub-section (1) of Section 51 are destroyed, and the District Registrar is of the opinion that it is necessary or expedient so to do he may, by order, direct such books as the thinks fit to be reconstructed in such a manner as may be prescribed by the Inspector General of Registration and Commissioner of stamps from time to time.]



**37. Office where a document may be registered.**--- A documents 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 situated 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.

38. Documents relating to immoveable property wholly out of India.---- A document relating to immoveable property situated wholly out of India or 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 not below the registration certificate that its registration does not affect the right in the property itself.

39. Manner of Registration where the jurisdiction of a territory is changed.--- 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 I of the Office.

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

40. Presentation of a document for registration.----(i) A document for registration other than a document forwarded under section 89 shall be presented in person and the fee payable thereon, shall be paid direct to the Registering Officer and not to a clerk or a poem.

1[(i-a) The person presenting the document shall produce his two recent passport size photographs. One photograph shall be affixed to the document at the appropriate place in the presentation endorsement made as per Rule 94 and the other shall be similarly affixed to the thumb impression register, where the thumb impression and signature, if any, of the presentant is obtained.

(i-b) Without prejudice to sub-rule (i-a), the registering officer may obtain digital photograph of the presentant and cause it to be printed at appropriate place in presentation endorsement and thumb impression register, if he is equipped with a suitable device for the said purpose.

(i-c) After affixing the photograph in the presentation endorsement and in the thumb impression register, Registering authority shall sign across the same carefully to ensure that it cannot be removed. If possible such photographs may be got laminated.]

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1. Sub-rules (i-a), (a-b) and (i-c) inserted by Notification No. RGN 2/2002-03, dated 1-04-2002, w.e.f. 4-4-2002.

(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).

(iii) A document shall not be accepted if transmitted by post except otherwise provided in any law.

#### **41. Examination of a document by the Registering Officer.---**

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 case such as those mentioned below he should explain the defect to the presentant; if the document is presented in the wrong office; or presented beyond the prescribed time limit or the parties have come without the prescribed fees; if an agent has come without a power-of-attorney or without such a power as the Act required, or if the presentant is not a competent person to present the document, if the description of the property is either insufficient for purpose of identification or does not fulfill the requirements of Rules 13 to 15, 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 considers should be attested by the initials of signature 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 British and the Indian calendars and these dates do not tally. The action of the Registering Officers in this respect shall be confined to advice and he shall not himself alter the document in any way.

## CASE LAW

**Rule 41 ----** The presumption arising from the rule requiring the sub-Registrar to explain the contents of the document to the executant is a rebuttable presumption ---- ILR 1967 Mys. 217.

**42. Manner of noting interlineations, etc. ----** Each important interlineations, 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 document received under Section 89. In such cases it will suffice if the interlineation, erasure or alteration is attested by the officer concerned.

**43. Manner of presentation of map, etc., with a document. ---** 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 of his duly authorised agent.

**44. Manner of registration when document is presented in duplicate. ----** When a document is presented for registration in duplicate or triplicate, the Registering Officer shall treat the duplicate and triplicate as such if they are exact reproduction of the original and bear the same date. 1[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 the duplicated and to the triplicate.

**45. Endorsement on the document. ---** (i) If there are no impediments such as those mentioned 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 the place of presentation and take the signature of the presentant 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 later 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 re-presentation endorsement shall be made.

**46. Suspension of registration of documents. ---** (i) If the period prescribed for presentation has elapsed, but the documents is still admissible on payment of a fine, the Registering Officer shall, if he is a Sub-Registrar, suspend its registration pending the orders of the Registrar.

(ii) If the document is chargeable with duty under the Indian Stamp Act, 1899 or the Karnataka Stamp Act, 1957, and is not duly stamped the Registering Officer shall impound it and shall write immediately below the endorsement made on it under Rule 45, the words and figures impounded under Section 33 of the Indian Stamp Act, 1899 or Karnataka Stamp Act, 1957 and shall sign the same with date and send it to the Deputy Commissioner, with reasons therefore registration being suspended.

(iii) Pending orders on such references to a Registrar or prior to sending a-document to the Deputy Commissioner, the Registering Officer, may however, record the admission of the execution and the examination of witnesses, if any.

**47. Payment of proper stamp duty.---** If the executant of 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 executant at the same time that if he wishes to obtain an authentic opinion, he must apply to the Deputy Commissioner under Section 31 of the Indian Stamp Act, 1899, or the Karnataka Stamp Act, 1957, as the case may be.

**48. Payment of Court fees stamps. ---** If a document is chargeable under the Karnataka Court Fees and Suits Valuation Act, 1958, and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it (vide Section 4 of the said Act) In order that the Court fees or the deficiency in them may be made good.

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1. Substituted for the word " Should" by Karnataka Registration ( Amendment ) Rules,1971.

**49. The date of execution to be noted in a document. ---** 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.

**50. Date of execution of document how reckoned. ---** (i) The date of execution of a document is the date on which it is signed by the party and the date which a document boars at its head is not necessarily the date of its execution though it is prima facie so.

(ii) 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.

(iii) 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 recognized and the document shall be treated as having been executed on the date originally entered therein.

(iv) If the date of execution is altered or if the document bears an impossible date or a fictitious date anterior to the date of purchase of a 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.

**51. Registration on payment of fines.**--- Application for registration on payment of fines under Sections 25 and 34 shall be in writing. A statement in writing from the party concerned shall be regarded as equivalent to an application under those sections.

**52. Rate of fines for delays, etc .---** (i) The fines for delays in presentation and appearance under Sections 25 and 34 shall be regulated as follows.----

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(a) 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
(b) When the delay exceeds one week but does not Exceed one calendar month.	A fine equal to twice the registration fee.
(c) When the delay exceeds one month but does not Exceed two months.	A fine equal to five times the registration fee.
(d)When the delay exceeds two months but does not exceed four months.	A fine equal to ten times the registration fee.

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

(iii) The term “ registration fee” as used in this rule means the fee actually leviable under any of the Articles I to IV of the Table of Fees and notes thereunder.

53. Calculation of rate of fine in case of documents in duplicate.— When a document is presented for registration in duplicate or triplicate, the fine leviable under Rule 52 shall be calculated as for one document only.

**54. Calculation of fine in certain cases.**---- 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.

**55. Application for condoning delay in presentation, etc .---** (i) 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 46(iii) there is no objection to his recording the admission of execution on such a document before forwarding the application to the Registrar.

(ii) When the Registrar condones the delay either under Section 25(1) or under the proviso to Section 34(1) 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 of ..... In his Order No. .... dated ..... on payment of the fine of Rs. .... for a delay of ..... Under Section 25/Section 34 of the Indian Registration Act, 1908.

Date:

Signature of the Sub-Registrar.

## **CHAPTER X**

### **Attendance At private Residences**

**56. Application for attendance at a private residence.**----An application for attendance at a private residence shall be in writing and shall, in all possible cases, be signed by the person seeking the concession though it may be presented by any person to the Registering officer.

**57. Attendance at a private residence. ---** A requisition for attendance at a private residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to Section 31 of the Act, a commission should if practicable, be issued. Every such attendance by a Sub-Registrar or under his orders shall be reported to the Registrar within 24 hours.

**58. Attendance at a private residence by the Registrar.**--- A Registrar may attend at a private residence situated within the limits of his district even though it may not lie within the sub-district for the purpose.

**59. Persons exempt from personal appearance.**---(i) Persons exempt by law from personal appearance in Court are, under the Code of Civil Procedure, 1908.---

- (a) women, who according to the customs and manners of the country, ought not to be compelled to appear in public, and
- (b) persons of rank especially exempted by the Government.

(ii) A list of persons exempted under clause (i) (b) shall be obtained by the Registrar from the High Court or District Court and communicated to every Sub-Registrar in his district.

(iii) When in the course of attendance at a private residence the Registering officer is required to record in respect of the same document the admission of execution of persons not entitled to the concession, the request may be complied with, provided that an attendance fee is levied in respect of each such person.

**60. Form and procedure of payment of commission.**---(i) A commission issued under Section 33 or Section 38 shall be prepared in the form hereunder\* and shall, when the person to be examined resides within the sub-district, be addressed ordinarily by the registering office to one of his clerks, if any. When the person to be examined resides in another sub-district, whether within the same district or in another district, the commission shall be directed to the Sub-Registrar of the latter sub-district. The Sub-Registrar receiving a commission so addressed may, if he cannot attend personally, redirect it to any officer of his establishment vide also Sections 75 and 76 of the Code of Civil procedure, 1908.

The form above referred to.---

\*Commission under Section 33 or Section 38 of the Indian Registration Act, 1908.

To  
The District Registrar/Sub-Registrar.

Whereas the accompanying power-of-attorney/document, dated the ..... And purporting to have been executed by A.B. son of ..... residing in your sub-district ..... 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 examined in connection.

Executed \_\_\_\_\_ take  
----- you are hereby requested to ----- the examination of  
Therewith \_\_\_\_\_ order

..... upon the interrogatories hereunto attached and to return this commission with the examination of the said ..... to this office on or before the day of .....

Given under my hand and seal this day ..... of ..... 20 .....

Signature of Registering Officer.

Seal.

(ii) When the commission is for the examination of an executant, and has been executed, the Commissioner shall return the document to the office from which it was issued endorsed as follows.

Having attended the ..... at residence of A.B., son of C.D., at ..... I have this day examined the said A.B., who has been identified to my satisfaction by E. F., son of G. H., etc., resident of ..... And the said A.B., admitted (or denied) the voluntary execution of this power-of-attorney/the execution of this document.

Left thumb impression of executant when necessary.

Full signature of the executant.

Signature of witnesses.

Commissioner.

(iii) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clause to this endorsement:

“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 payee and payer shall also be taken below this endorsement, as provided in the specimen form in Schedule B.



(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 Power-of-Attorney/document has been voluntarily executed by the said A.B."

Date:

Signature of Registering Officer.

**61. Manner of examination of witnesses.**----- 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 if committed in a Registration Office.

**62. Manner of examination by the Registering Officer.**----- 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 XI Power-of-Attorney**

**63. Examination of a Power-of-Attorney.**----- (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 the signature, authenticate it in the following form.-----

" Authentication under clause (a) of sub-section (1) of Section 33.

The power-of-attorney has been executed by..... of ..... in my presence on the ..... day of .....19. . . . . The said..... is personally known to me/the identity of the said ..... has been proved by the testimony of Sri ..... to my satisfaction, and whose signature are affixed to this endorsement.

Signature of the person identifying  
the principal.

Signature of (Sub) Registrar."

Seal.

Dated:

(ii) When a Power-of-Attorney which has not been executed before a Registering Officer is presented to him for attestation under the proviso to Section 33 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 in the case of Ghosha ladies and is examined with the help of any witness, adopt the following form of attestation.----

“Attestation under sub-section (2) of Section 33,

This Power-of-Attorney has of been voluntarily executed by ----- of ----- I have satisfied myself in this behalf by personal examination of ----- by examination of the said ----- on commission. The said----- is personally known to me. The identity of the said ----- has been proved by the testimony of ----- to my satisfaction, and whose signature is affixed hereunto.

Seal.  
Dated.

Signature of the person identifying  
the principal.

Signature of the (Sub) Registrar.”

(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 of 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 or erasures or alterations, in the body, that fact shall be noted.

Interlineations, etc., in the authentication or attestation endorsements shall be initialed by the Registering Officer.

**64. Procedure regarding special or General Power-of-Attorney.----**

(i) Special Powers-of-Attorney for registration purposes produced before a Registering Officer are to be retained and filed in original. If general powers be so produced, their copies with the proper Court fee stamp should be obtained and filed. Both of these should be filed separately.

(ii) On the original or copy thus filed, a note as follows should be endorsed showing for what purposes the Power-of-Attorney has been employed:----

(a) Document serial No. .... of daily Register dated ..... has been presented for registration by ..... under authority of this Power-of-Attorney (or Power-of-Attorney of which this is a copy).

(b) Execution of document No. .... registered at page ..... of Book No. .... Volume ..... has been admitted by ..... On behalf of ..... under authority of this Power-of-Attorney ( or the Power-of-Attorney of which this is a copy).

Seal.

Signed A.B.

Date.

Registrar or Sub-Registrar.

(iii) The above not should be recorded on the day on which the power is acted upon, pages, volume, etc., being filled up after registration of the deed.

**65. Attestation of endorsement on a Power-of-Attorney.**----- One copy of a general power will suffice for the registration of more than one document on the same day or for the registration of different documents presented at different times. The endorsement under Rule 64 should be written on each occasion the power is being acted upon. If there be no space on the copy for the endorsement a fresh paper may be attached thereto.

**66. Form of endorsement.**----- The endorsement prescribed in Rules 63 and 64 shall be written in English.

**67. Registration of a Power-of-Attorney.**---- A Power-of-Attorney may be brought to a registering Officer (i) for authentication or attestation, or (ii) for registration, or (iii) for both authentication or attestation and registration. In the first case, he shall merely make the entry prescribed for authentication or attestation; 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 or attest the power and then admit it to registration in the usual manner.

**68. Manner of registration of a Power-of-Attorney.**--- Although a Power-of-Attorney may be registered like any other instrument, it is not valid for registration purposes unless authenticated or attested as the case may be when <sup>1</sup>[x x x x x ] a person who does not understand the distinction between authentication or attestation and registration, the registering officer should explain the difference to him and give such information as may be necessary.

**69. Powers of registering authorities regarding Power-of-Attorney.**----- District Registrars or Sub-Registrars cannot legally authenticate or attest Power-of-Attorney other than those required for registration purpose. A Registering Officer can authenticate or attest a General Power-of-Attorney only when it contains a specific authority to present a document or to admit execution of a document executed by the principal.

**70. Abstracts of Power-of-Attorney.**--- (i) An abstract in Form No. 12, Schedule A shall be retained to each Power-of-Attorney authenticated or attested by a Registering Officer as prescribed in Rule 25 whether such power is general or special registered or not registered. The notes of interlineations, blanks, erasures and alterations made by the Registering Officer on the original power shall be copied verbatim in the abstract.

(ii) (a) Each registration office shall maintain a register of all revocations of Power-of-Attorney registered in, or communicated to it, in the prescribed Form 12-A and also note the fact of such revocation in Form No.12 as aforesaid.

(b) When notice of a revocation is given to a Registering Officer, he shall send an intimation of the same to such other offices as may be specified by the person on revoking the power.

## CHAPTER XII

### Presentation of Documents and Examination of Parties

**71. Persons executing documents.**---- (i) The expression "A person executing a document" shall be held to include.----

- (a) any person who becomes surety for the repayment of a loan or the fulfillment of a contract and in that capacity affixes his signature to a document;
- (b) any person who endorses a negotiable document;
- (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 purpose 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.

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1. The words "A Power-of-Attorney is brought to a Registering Officer by" omitted by Karnataka Registration (Amendment) Rules, 1971.

<sup>1</sup>[(iii) Every person executing a document as referred to in sub-rules (i) and (ii) of this rule, shall produce to the registering officer, two recent passport size photographs at the time of recording of admission of execution. One photograph shall be affixed to the document at the appropriate place in the admission of execution endorsement made as per Rule 94, and the other to the thumb impression register where thumb impression and signature, if any, of the executant is obtained.

(iv) Without prejudice to sub-rule (iii) of this rule registering officer may obtain digital photographs of the executants and cause it to be printed at appropriate place in admission of execution, endorsement and thumb impression register, if he is equipped with a suitable device for the said purpose.

(v) (a) If the document relates to the transfer of ownership of Immovable property, which involves more than one Buyer and seller of such property described in the document then each buyer and seller shall give his thumb impression and shall also produce to the Registering Officer, two recent passport size photographs, one to be affixed to the document at appropriate place in the endorsement made as per Rule 94, and the other to be affixed to the thumb impression register, where thumb impression and signature, if any, of the buyer and seller is obtained.

<sup>2</sup>[(b) If the buyer or seller or both are represented by a power Of Attorney holder(s), such Power-of-Attorney holder(s) Shall produce to the Registering Officer his or their two recent passport size photographs, as the case may be. One

of such photographs shall be affixed to the document at an appropriate place in the endorsement made as per Rule 94, and the other shall be affixed to the thumb impression register, where the thumb impression of signature, if any, of such Power-of-Attorney holder is obtained.]

(vi) Without prejudice to sub-rule (v) the Registering officer may obtain digital photographs of the buyer and the seller and cause it to be printed at appropriate place in the endorsement and thumb impression register, if the is equipped with a suitable device for the said purpose.

(vii) After affixing the photograph in the endorsement and in the thumb impression register, the registering authority shall sign across the same carefully to ensure that it cannot be removed. If possible such photographs may be got laminated.]

## CASE LAW

**Rule 71(d)** ---- Rule is only directory and not mandatory.-----  
K.Venkatachalapathy Setty v K.R. Setty and others, 1989(3) Kar. L.J. 47  
(DB): ILR 1989 Kar. 2062 (DB).

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1. Sub-Rules (iii), (iv), (v), (vi) and (vii) inserted by Notification No. RGN 2/2002-03, dated 1-4-2002, w.e.f. 4-4-2002.
  2. Substituted by Notification No. RGN 2/02-03, dated 19-06-2002, w.e.f. 19-6-2002.

**72. Place of Registration.**---- 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 to be called for, exclude the public during the course of any enquiry.

**73. Duties of the Registering Officer.**---- (i) It shall form no part of the Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document, provided execution is duty admitted; but in case of executants who are unable to read, the document shall be read out and if necessary explained to them. If the document is in a language which they do not understand it must be interpreted to them.

(ii) If registration is objected to by any person on any of the following grounds, viz.,

- (a) that a person appearing or about to appear before the Registering Officer as an executant or claimant the person he professes to be, or that he is a minor, an idiot, or lunatic,
- (b) that the instrument is forged;
- (c) that the person appearing as a representative, assignee 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.

Such objections shall be duly weighed by the Registering Officer and if they are substantiated, registration shall be refused but under subsection (2) of Section 58, if execution be admitted, registration should take place even if the executant refuses to sign the Registering Officer's endorsement of admission.

## CASE LAW

### Rule 73---Duty of Registering Officer.

K. Bhimiah, CJ.--- Petitioner a Housing Co-operative Society owned several sites and allotted one to respondent 3. When petitioner presented the document of sale for registration, the Sub-Registrar issued an endorsement, calling for a no objection certificate from the Urban Land Ceiling Authority and as to how the society had acquired the land, conversion certificate, sanctioned outlay plan and tax paid receipts. The endorsement was given in accordance with guidelines given by the Inspector General of Registration.

Held, the endorsement was given without authority of law and was liable to be quashed. ---- Malleshwaram Tailoring Co-operative Society v sub-Registrar, Bangalore North, 1983(1) Kar. L.J. Sh. N. 51.

**74. Proof to be adduced by a representative.**--- 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.

**75. Procedure when the executant is a lunatic, etc.**----- A Registering Officer should form his own opinion as to whether a party appearing before him as executant of a document is a minor, 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.

**76. Procedure when the executant dies after presentation of a document.**--- 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 representatives, assignee or agent and before admission of execution, the Registering Officer shall ascertain by examining the presentant and the witnesses accompanying him who are the representatives or assignees of executant and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assignees of the executant and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assignees of the deceased executant are present in the office at the time of the 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 assignees 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 on the chavadies of the village in which the deceased resided and of the village or villages where the property affected by the document is situate

and shall be proclaimed by a crier in those villages. The cost of the service of the notice 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 representative or an assignee who may appear on that day admit execution, the document shall be registered. Should any representative or assignee, of whose right to appear as such the Registering Officer is satisfied, deny execution or willfully avoid appearance, the document shall be refused registration in toto.

If on the day fixed for the examination, all the representatives who appear to admit execution, or if persons claiming to be representatives have already appeared and have admitted execution and no 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, where 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.

The form of endorsement by Registering Officer under the above rules shall be as follows.----

“I have satisfied myself in the manner laid down by Rule 76 that the presentant above named is entitled to present the document and that the document purported to be executed by ..... Son of ..... has been voluntarily executed, and that the executant is deceased. Accordingly, the document is admitted for registration, and the presentant is identified by ..... to my satisfaction.

Witnesses:

- 1.
- 2.

Date.

Sub-Registrar.”

**77. Procedure where the executant is deaf, etc.----** (i) The mere fact that an executant is deaf and dumb does not make him incompetent to understand and answer questions put to him. If the Sub-Registrar is satisfied the executant has sufficient understanding to judge of the nature and consequences of his act and can by some means of other, such as writing or signs, etc., express himself so as to admit execution, registration of the document should be ordered.



(ii) If, however, he finds that the executant is not able to understand questions put to him, he shall refuse to register the deed under Section 35(3).

(iii) In any case a not should be made in the Minute book giving in detail the circumstances which helped the Registering Officer to arrive at his conclusion. In the endorsement of admission of execution on the deed itself, in addition to the usual form, a short not of the above particulars should be recorded.

**78. Registering Officer should take thumb impression of every person.-----** (i) The Registering Officer should take thumb impression of every person required to give it, while registering a document, irrespective of his status.

(ii) When the presenter or the executant is a leper of suffering from a loathsome disease, the Registering Officer need not record the thumb impression; he should, however, make a note of his physical defect below his signature or attested mark to the presentation or admission endorsement. If the disabled executant is unable to affix his thumb impression or unable to sign the endorsement his identity shall be established by two respectable witnesses, who shall vouch for the executant and affix their signatures with their full addresses in the presentation endorsement as well as in the thumb impression registers in the cage provided therefor, in proof thereof.

**79. Manner of taking the thumb impression.----** (i) Every presentant and executant of a document should be invited to give the rolled impression of the ball of his left thumb below his signature to the endorsement of presentation and admission of execution, and also in the thumb impression register in Form No. 14 of Schedule A. Each cage in that register is intended for taking the thumb impression of one person only. The thumb impression of the presentant in the thumb impression register shall be distinguished by the word "Presentant" against it.

Proviso. ---- No impression in addition to their signature should be taken in the following cases. ---

When the presentant or executant is literate and is personally known to the Registering Officer is a lady or gentleman of position, their signatures should, however, be taken in the appropriate column of the thumb impression register.

**Note.---** In regard to paradanashin ladies, no exemption should be allowed. They should in all cases be invited to give the impression of their thumb.

(ii) If a presentant or an executant has lost his left thumb or if his left thumb is so deformed or deceased that he cannot use it, the impression of the bulb of his right thumb or of any finger ;may be taken instead. In such cases a note should be made in Column 2 of the Thumb impression Register, stating which finger or thumb has been used in making it and explaining why the ;impression of the left thumb was not taken. The fingers of the hand should be described as commencing with that next the thumb:--- the first of fore-finger, the second or middle finger, the third or ring-finger, and the fourth or little finger.

(iii) When a presentant or an executant presents or admits execution of several deeds on the same day, only one thumb impression should be taken in the Thumb impression Register quoting the serial numbers of all the deeds in Column 1 thereof, Separate thumb impressions shall, however, be taken each deed.

(iv) In case of illiterate presentant or executants, who are not exempt from recording their thumb impressions, the Registering Officer need not take any other mark except the thumb impression below presentation or admission endorsement.

(v) When the thumb impression of an illiterate presentant or executant is taken below the presentation or admission endorsement the words “and thumb impression given”, “and gives his thumb impression” should be added to the endorsement of presentation and admission of execution as the case may be.

(vi) In cases where literate or illiterate presentants or executants refuse to give their thumb impressions, their refusal should not be recorded in the presentation or admission endorsement on the deed. A note should be made in the Thumb Impression Register and the column intended for that thumb impression should be kept blank. In such cases, signatures of literate presentant or executants, should however, be taken below the presentation or admission endorsement and in Column 3 of the

Thumb impression Register, as usual and attested “marks” of illiterate presentant or executant below the presentation or admission endorsement. If the signature or mark is refused this fact must also be noted in the endorsement.

**Note:---** The Registering Officer should do his best to persuade all presentants or executants to give their thumb impressions explaining to them that the object of taking the thumb impressions is to establish the identity of the person and is in their best interest.

**80. Separate register of thumb impression in respect of private attendance.**---- A separate register shall be maintained in each Registry Office for thumb impressions obtained in connection with the registrations of documents at private residences. Neither this register nor the ordinary Register of Thumb impressions shall be taken by a Registering Officer when attending at a private residence, but thumb impressions at such residences shall be obtained on separate slips of paper and the slips shall be pasted, with the initials and date of the Registering Officer added to them in the appropriate page in the separate impression book. The slip 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 next to it.”

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.

**81. Identification of Executants.** ---- (i) When a Registering Officer is acquainted either with the person admitting execution of a document or with the identifying witness, he shall make a note in the endorsement to this effect. If the Registering Officer is not acquainted with the executant and no witness with whom the Registering Officer is acquainted is produced to identify the executant, the Registering Officer shall either. ----

(a) examine any two witnesses, produced by the executant to prove his identity;

or

(b) examine on oath the executant and <sup>1</sup>[two witnesses] produced by the executant to prove his identity.

(ii) Where the person appearing before the Registering Officer as an executant of a document in the military employment of Government and is unable to produce any witness or witnesses to identify him or to prove his identity, as the case may be, the Registering Officer shall, if such person produces his identity card duly certified and bearing his photograph, accept it as sufficient proof of his identity, unless the Registering Officer has ground to believe that the identity card is not genuine. If the identity card is accepted as such proof, the Registering Officer shall endorse on the document the number of the identity card and the designation of the authority purporting to have signed and certified it.

<sup>2</sup>[<sup>3</sup>(iii) x x x x x.]

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1. Substituted for the words “one witness” by Notification No. RGN 2/2002-03, dated 1-4-2002, w.e.f. 4-4-2002.
  2. Sub-rules (iii), (iv) and (v) inserted by Notification No. RGN 2/2002-03, dated 1-4-2002, w.e.f. 4-4-2002
  3. Sub-rules (iii) omitted by Notification No. RGN 2/2002-03, dated 19-06-2002, w.e.f. 19-06-2002.

(iv) Identification by deed writer, Stamp vendors, petition writers and hangers-on in office shall be avoided. Care must be taken that identification does not become a business.

(v) After affixing the photograph in the endorsement and in the thumb impression register, the registering authority shall sign across the same carefully to ensure that it cannot be removed. If possible such photographs may be got laminated}.

### **CHAPTER XIII** **Issue of Processes**

**82. Enforcement of appearance of Executants and Witnesses. ---** All District Registrars and Sub-Registrars themselves or through the Tahsildars of their respective jurisdictions, may issue processes.

### **CHAPTER XIV** **Wills or authorities to adopt**

**83. Registration of a will or an authority to adopt. ----** (i) When a Will or an authority to adopt is presented for registration after the death of the testator or donor it may be accepted for registration and it shall be registered only if the Registering Officer is satisfied on the points mentioned in Section 41(2) of the Act, viz.,

- (a) that the will or authority to adopt was executed by the testator or donor;
- (b) that the testator or donor is dead; and
- (c) that the presentant is a claimant or an executant under the will or an adoptee.

(ii) For this, Registering Officer should record on the Will or authority to adopt the deposition of the witnesses and the scribe if possible examined on oath. He may require the production of the death certificate or may rely on the sworn statements of witnesses in proof of the death of the testator or donor. In such cases.---

- (a) the identification of the deponents is not necessary;
- (b) no application for presentation of the Will or authority to adopt is necessary; nor is the presentant`s statement required unless he wishes to depose to the execution of the will or authority to adopt;
- (c) if the presentant`s name figures in the will or authority to adopt as a claiming party, no further enquiry is needed to establish his status;
- (d) the thumb impressions of all illiterate deponents and the signature of literate deponents and thumb impressions also of those unknown to the Registering Officer if not objected to, should be taken below the deposition and in the Thumb impression Register;
- (d) 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.---

- (i) that the will (or authority to adopt) was executed by the testator;
- (ii) that the testator (or donor) is dead;
- (iii) that the person presenting the Will (or authority to adopt) is entitled to present the same.

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

- (f) should the Registering Officer decide to refuse registration, the usual endorsement of refusal shall be entered on the document.

**Note:---** The day -to-day entry should be made in the Minute Book giving only a bare recital of important facts.

**84. Return of will or authority to adopt after the death of Testator---unregistered.---**A will or an 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 in writing, unless it appears that the document is forged.

**85. Registration of revocation or cancellation of a Will or an Authority to adopt.---** A revocation or cancellation of a Will or of an authority to adopt shall be treated as a document of testamentary character and shall be registered in Book 3.

**86. Unclaimed Wills.---** (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 records.

(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 and returned to the person shall be entered in the office records.

**CHAPTER XV**  
**Sealed Covers Containing Wills**

**87. Manner of entries of sealed covers containing Wills. ---** (i) Every entry made under Section 43 in Book 5 shall be dated and signed by the Registrar.

(ii) When a sealed cover is withdrawn under Section 44, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

**88. Deposit of Wills by persons. ---** When a Will executed by two persons jointly is deposited under Section 42 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 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.

**89. Registration of Wills sent by post. ---** (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 facts 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 address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under clause (ii) of this rule.

(v) If the fireproof box supplied to District Registrar shall be placed and retained (a) sealed covers deposited (b) Wills registered or refused registration by District Registrars and remaining unclaimed for more than two years and (c) Wills received from Sub-Registrars under Rule 86(i). 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 Will received by post by the District Registrar and retained in the office under clause (ii), Wills forwarded by Sub-Registrar and retained in the office under clause (iv) and rule under 86(i) 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 clause (v) and shall report to the inspector General whether they are correct and whether the covers are preserved properly.

**90. Endorsements to be made when a sealed cover containing a Will is opened.** --- (i) When a sealed cover containing a Wills is opened under Section 45, 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 of ..... (Signature and addition) and in the presence of (signature and addition) this day of..... 19.....

Signature of Registrar.

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

Date:

Signature of Registrar.

Seal.

(ii) When a sealed cover containing a Will is opened under the 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" and 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 pursuant to the order of the Court, dated ..... 19 .....

Date:

Signature of Registrar.

Seal.

**91. Forwardal of a Will to Court.** --- When a Will is forwarded to Court, it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying with a view to these being collected by the Court and remitted to the Registrar. An acknowledgment of the receipt by the Court of the cover or Will shall also be obtained and filed in the office.

**92. Manner of forwarding a Will to a Court. -----** 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 either through a clerk in a sealed cover, provided that no payment of traveling allowance to the clerk is involved, or be forwarded by registered post insured for not less than Rs. 1,000 addressed to the officer presiding over the Court concerned.

**93. Procedure when a sealed cover containing a Will is opened. --**  
- When a sealed cover containing a Will is opened, the cover which contains the depositors superscriptions and the Registrar's endorsements shall be preserved carefully or a record maintained as to its disposal.

## **CHAPTER XVI**

### **Endorsements and Certificates**

**94. Manner of endorsing and certifying by Registering Officer. -**  
-- (i) The endorsement prescribed by Sections 52 and 58 and the certificate prescribed by Section 60 shall be written or impressed with rubber stamps supplied by the Department by the Registering Officer himself in forms prescribed in Schedule B or as near thereto as the circumstances permit.

(ii) Form of Presentation Endorsement. ---- The Registering Officer shall make endorsement as required by Section 52 either by writing or impressing it on every document presented to him for registration in Form No. 1 of Schedule B.

<sup>1</sup>[(iii) x x x x x.]

(iv) Procedure on admission of document to registration. ---- If a Registering Officer does not, on the face of it, see any objection to accepting a document for registration, he shall proceed with the inquiry under Section 34 and if the document is admitted to registration, the endorsement under Section 58 and the certificate under Section 60 shall be made <sup>2</sup>[x x x x x].

(v) The endorsement rubber 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.

**95. Language to be used by an executing party in signing. -----**  
An executing party shall be required to use the same language in signing the endorsement of admission of execution as he had used in signing the instrument.



**96. Language to be used by Registering Officers for endorsing on documents.** ---- All Registering Officers shall endorse English documents in English and documents in the language of the sub-district in the language of the sub-district as far as possible. When, however, a document written in a language other than of the sub-district is presented for language recognized in the sub-district.

**97. Using a separate slip for endorsement, etc., by the Registering Officer.** ---- If there is not sufficient blank space in the instrument for the endorsements 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.

**98. Endorsement by the Registering Officer on each sheet when the document is of more than one sheet.** ---- 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 of which the document consists, the number of the sheets and the signature of the Registering Officer shall be endorsed on each sheet.

**99. Form of endorsement of the Registering Officer when the executant is a gosha lady.** ----- When a executant is gosha lady and is examined through a female attendant, a special form of endorsement as follows shall be made by the Registering Officer and the signature of the 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.....”.

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 signature of witnesses who are examined for any purposes.

**100. Endorsement of the Registering Officer when the executant is a guardian.** ---- When a document is executed by person as a guardian or an agent he shall be described as such in the admission endorsement made by the Registering Officer.

**101. Procedure when a person executes both for himself and as an agent, etc.** ---- (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.

**102. Presentation and admission of execution of a document by a Power-of-Attorney.** --- (i) 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 bellow the endorsement of presentation.

(ii) The endorsement of presentation made on a document presented under Rule 40(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.

**103. Payment of consideration mentioned in the document.** ----

(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 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 desire 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) The Registering Officer shall not endorse an admission of receipt of consideration unless the admission is voluntarily made.

(v) If a person executing a document admits that he has executed it but dentes receipt of consideration either in whole or in part, the Registering Officer shall not refuse to register the document on that account but he shall make a note of such denial in the endorsement.

(vi) In cases where the document recites that a payment is to be made in the presence of the Registering Officer but no such payment is made of the payment made does not agree with the recitals of the deed, the Registering Officer should question the executant and note the result in the endorsement. The record of such enquiry should be brief and unambiguous but such as would remove the apparent discrepancy in the recitals of the deed and the payment actually made before the Registering Officer.

**104. Certificate under Section 60. ----** The Certificate under Section 60 shall be added by the Registering Officer only after the document has been copied and the entry compared.

**105. Endorsement when a document is presented in duplicate. ----**

(i) In the case of a document presented for registration in duplicate or triplicate, the duplicate and triplicate shall be examined with the original and shall bear the following additional endorsement. ----

Duplicate (or triplicate).

Difference between the original and the duplicate (or triplicate).

Interlineations, blanks, alterations and erasures in this.

Compared by:

Reader:

Examiner:

Date:

Signature of Registering officer.

A note shall also be entered on the original as regards the number of copies registered with the original.

(ii) In entering notes of interlineations, blanks, alterations and erasures on the duplicate and triplicate, the particular letter or word or figure interlined, altered or erased shall be specified, e.g., "in line 12, the word "currency" interlined"; "letter 'a' or figure '2' altered"; "in line 10, the word 'money' erased" and so on.

When an erased letter or word cannot be deciphered, the note shall run as follows. ----

"A word occurring after 'the' in line 5 erased."

(iii) Each the duplicate or triplicate of a document presented for registration shall bear the same endorsement as the original document and the same registration number. The certificate of registration on the original and on the duplicate or triplicate shall mention all the pages of the volume occupied by the entries which relate to the original.

**106. Endorsement on a document partially registered. ---** A document which is partially registered as regards some of its executants and refused as regards others shall have two distinct endorsements, the one of admission signed by such of the executants as admit execution, and the other of refusal being written below the seal and signature affixed to the certificate of partial registration and signed and dated by the Registering Officer.

**107. Endorsement on a document execution of which is denied. ----**

The signature of witnesses examined in the course of an enquiry before a Registrar under Section 74, whether in reference to an appeal case or as regards a document the execution of which has been denied before him, need not be endorsed on the document in respect of which the inquiry is made.

**108. Endorsement on a document registered under Section 74. ----**

When a document is registered by a Registrar after enquiry under Section 74, the following note shall be endorsed on it, in lieu of the endorsement of admission of execution. ---

“I am satisfied from the evidence adduced in the inquiry held under Section 74 of the Registration Act, that the document was executed by A.B.

Date:

Signature of Registrar “

**109. Endorsement on a document presented by an order of Registrar or Court. ----** An endorsement made on a document re-presented for registration under an order of Registrar or a Court shall quote the number and date of the order under which it is re-presented.

## **CHAPTER XVII**

### **Receipts for Documents and for the Fees and Return of Documents**

**110. Receipts for documents and fore fees and return of documents. ---** (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 in Form No. 15 of Schedule A.

(ii) A Registering Officer visiting a private residence or jail under the proviso to Section 31, sub-section (3) or sub-Section (2) of Section 38, as the case may be, on being paid his traveling expenses shall pass a similar receipt.

<sup>1</sup>[(iii) When the fees consist of several items, each item shall be entered in the duplicate receipts by using double side pencil carbon paper. In the case of copying fee, the number of words shall be entered and in the case of kilometerage, the number kilometers. The original receipt shall be issued to the party and duplicate shall be retained.]

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1. Clause (iii) substituted by Notification No. RD 41 ESR 83, dated 6-11-1986, w.e.f. 1-2-1987.

**111. Persons to whom receipt shall be handed. ---** (i) The receipt for a document shall be handed to the person presenting the document or to his nominee, after obtaining in the counterfoil the signature of presentant to the endorsement of nomination, <sup>1</sup>[x x x x.]

(ii) The probable date on which a document will be <sup>2</sup>[sent by registered post] shall be written on the receipt.

(iii) As far as possible the document shall be returned <sup>3</sup>[by post] on the date of its admission to registration.

**<sup>4</sup>[112. Procedure for obtaining a registered documents. ---**

- (i) All the documents registered or when registration refused shall be sent invariably by registered post acknowledgement due to the presentant or his nominee. The postal charges along with stationery expenses 0-50 ps. In this behalf shall be levied in addition to the registration and other miscellaneous;
- (ii) When the registration or refusal procedure is completed, the Registering Officer shall dispatch the document under registered post acknowledgement due to the address of the presentant or his nominee as specified in the document or furnished in the counterfoil of the receipt as the case may be and he shall note the above fact on the counterfoil. The postal receipt shall be pasted on the back of the counterfoil. The postal acknowledgement shall be filed serially in a separate file known as 'Postal Acknowledgement File';
- (iii) If the document is returned undelivered it shall be entered in the Register of unclaimed documents after following the procedure under **Rule 221**. An extra fee at the rate prescribed under Article **XXIX** shall be leviable before such document can be delivered to him;
- (iv) The amount paid on postage be included in the receipt;
- (v) The registered or refused document shall be sent by a specially manufacture cover supplied by the Government Press;
- (vi) In case the presentant or his nominee desires to take back the registered document in person, he shall express his desire in writing at the time of presentation and the presentant or his nominee shall produce the receipt to the Registering Officer, who shall thereupon obtain his signature on the counterfoil and

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1. The words "and also the signature of nominee if he can write, for the purpose of comparison when the nominee appears to take back the documents" omitted by GSR 33, dated 16-7-1985, w.e.f. 15-10-1986.
  2. Substituted for the words "ready for delivery" by GSR 33, dated 16-07-1986, w.e.f. 16-10-1986.
  3. Added by GSR 33, dated 16-7-1985, w.e.f. 15-10-
  4. Rule 112 substituted by GSR 33, dated 16-7-1985, w.e.f 15-10-1986.1986

return both the document and the receipt after endorsing on the letter regarding the delivery of the document.]

**113. Procedure on loss of receipt.** ---- 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 a declaration of the loss and, if required by the Registering Officer, affixing his thumb impression thereof.

**114. Revocation of nomination.** ---- <sup>1</sup>[(1)] 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 that effect in the counterfoil or by letter.

<sup>2</sup>[(2)] The nomination to send the document by post may be revoked by the person by whom it was made by a letter addressed to the Registering Officer. This request may be complied by the Registering Officer if the document is not already sent by post.]

**115. Objection to the return of a document, when to prevail.** ---- 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.

**116. Registration of an impounded document after adjudication of stamp duty.**---- When an impounded document is received back from the Deputy commissioner 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 either to take steps to complete the registration of the document or to take delivery of the document.

**117. Granting of a receipt after attending at a private residence.** ---- When proceeding to attend at a private residence the receipt book shall not be taken by the Registering Officer, but the requisite receipt may be detached from the counterfoil for issue to the party concerned, the entries in the counterfoil being made after return of the Registering Officer to his office. In such case any nomination to take delivery of a document shall be obtained on slip which shall be initialed and dated by the Registering Officer and pasted on to the counterfoil.

<sup>3</sup>[**118. Return of documents after registration.** ---- x x x x x.]

## CHAPTER XVIII Register Books

**119. Maintenance of registers.** --- The register shall be maintained in accordance with such instructions as the Inspector General of Registration may from time to time prescribe, provided that no erasure shall be permitted and that every page shall contain a uniform number of lines.

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1. Rule 114 renumbered as sub-rule (1) thereof by GSR 33, dated 16-07-1985, w.e.f. 15-10-1986.
  2. Sub-rule(2) inserted by GSR 33, dated 16-07-1986, w.e.f. 15-10-1986.
  3. Rule 118 deleted by GSR 33, dated 16-07-1985, w.e.f. 15-10-1986.

**120. Procedure of making entry of a registered document. ---** (i) Every entry of a registered document shall be an exact copy of the original. Any interlineation, blank, erasure or alteration in a document presented for registration and in the endorsements made on it shall be copied into the Register book exactly as they appear in the document and in the endorsements. Notes explaining such interlineations, blanks, erasures or alterations shall be written at the end of the copy, before giving a true copy certificate, in the following manner, namely. ----

- (a) in the case of an interlineation or alteration a single mark 'X' in red ink shall be made over it.
- (b) in the case of an erasure or blank two marks "XX" in red ink, once at each end of such erasure or blank shall be made .

All such notes shall be classified in the manner as in Rule 122, the letters (a), (b), (c), (d), etc., being assigned in red ink, instead of numbering as (1), (2), (3), (4), etc.,

(ii) The same procedure shall be adopted in the case of copies granted under Section 57 or those forwarded under Sections 65, 66 and 67. The interlineations, blanks and erasures made at the time of preparing such copy shall be bracketed in red ink and attested by the Registering Officer on each side consecutively numbered in Roman figures, i.e., I, II, III, IV, etc., and classified in the same manner as in Rule. 122.

(iii) If the copy of a document occupies more than once page of a Register Book, the endorsements on the document shall be copied once only, with the exception of the serial number, which shall be repeated on every page. The endorsements shall in no case be copied alongside of the copy of any document other than that to which they relate. If in the case of any document copies of the endorsements in Column 2 of a Register book extend lower down than the space occupied by the copy of the document in the column in which the document is copied, the blank space left in the last named column shall be cancelled by cross lines in ink being drawn over it.

**121. Procedure of registration of a document presented in duplicate. ----** (i) When a document is presented for registration in duplicate or triplicate, it shall not be necessary to enter the document more than once in the Register book.

(ii) When a document admitted to registration is being copied in the appropriate Register Book as required by Section 52, the value of the stamp and the stamp vendors endorsement shall be transcribed at the beginning of the copy in such book and also in the copies prepared under Sections 64 to 67.

(iii) In Books I and IV a reference to any previous registration relating to the same property shall be noted if it appears on the document, or if the previous registration can be readily traced from the number or date mentioned by the parties.

**122. Comparing and attestation of entries in Register Books endorsements of copying, reading and comparing, how to be made, manner of nothing and attesting interlineations, etc., --** (i) When the copy in a Register book has been completed, it shall be carefully compared with the original and the copyist, the reader and the comparer shall respectively endorse below the copy the words "copied by me", "read by me" and "compared by me" and shall attach respective signature thereto.

(ii) The Registering Officer shall then certify under his signature that it is a true copy.

(iii) All interlineations blanks and erasures made at the time of copying shall be bracketed in red ink, attested by the Registering Officer on each side, consecutively numbered in red ink, and classified under the categories (a) Interlineations, (b) Blanks and (c) Erasures.

(iv) The form of certificate shall be as follows. ----

"True Copy"

No. of corrections: 8 (eight);

(1) and (7) Interlineations; (2), (3) and (6) Blanks;

(4) and (8) Erasures; (5) Alteration.

(Initials of the Registering Officer).

**(Signed) A. B.  
Registered Officer.**

**123. Cancellation, etc, of a registered document. ----** (i) 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 or Register book or of a return of lands acquired under the Land Acquisition Act or of a document received and filed under Section 89 (vide Rule 17), or on the receipt of a communication from a Revenue Officer of from a Court which intimates a similar revocations, cancellation, rectification or modification, a note shall be entered at the foot of the entry of the latter document of communication as under.---

"This Document/Communication revokes (cancels, rectifies or modifies) Document No. of ..... Copied/the document filed/ the return filed at pages ..... Volume of book/supplement to Book No. 1. (Part)/file book ..... and at the 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 ..... copied/the document filed/ the return filed at pages..... Volume of book/ supplement to Book No.1(part)/file book,"



(ii) 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 item entered Index, I,II,III or IV, a note of rectification shall also be entered in the respective index against the particular item rectified.

**124. Attestation of a note in case of forged documents.**---If a registered document is declared by a Court to be 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.

## CHPUTER XIX

### Indexes

**125. Manner of preparing indexes.**--- (i) Indexes Nos. I,II, III and IV shall be prepared in English in the offices of all Registrars and in Kannada in the offices of Sub-Registrars in Form Numbers 16to 19 of Schedule A respectively. They must be written in alphabetical order, a certain number of pages being set apart for each letter. The Registering officer should examine and compare the indexes and see that they contain no errors.  
1[xxxxx].---

“Certified that I have examined and compared the Indexes I/II/III/IV of the year ..... and found them to be correct and without omissions.”

Date:

Signature of Registering officer.

In Index I the entries will be in the order of the initial letters of the names of the executants and claimants, and in the case of certified copies of the Court decrees, the names of the plaintiffs and defendants. In Index III the entries will be in order of the initial letters of the names of the executants and the names of the claimants have to be indexed with reference to their initial letters only after the death of the executants. A document executed under the authority of a power-of-attorney shall be indexed in the names of the principal and attorney both, and a document executed by a guardian on behalf of a minor in the names on the minor and guardian both. In the case of certificates of Sale, Index No. I shall be prepared in the name of the judgment-debtor. Special care must be taken to fill in such particulars as are required by the Act as to the “addition” of the executant and claimant.

(ii) If a Will contains no express declaration regarding appointment on guardian or executor there under, in preparing Index No. III, “none named” will be written in Column 3 and Column 4 left blank. If a Will directs that claimant there under shall also be executor or one of the executors Columns 3and 4 shall be filled and on the Registering officer subsequently hearing executants death, the name, and place of residence of such executor-claimant will again appear in Columns 5 and 6 of the same index entry. The Registering officer is not required

to take initiative in ascertaining whether any executant (Testator) is dead. The onus of proving to the satisfaction of the Registering Officer, that any such (Testator) is dead rests upon the person who on the strength of that statement applies for a copy of the Will. In cases, in which the death on the executant will remain unknown Columns 5,6 ND 8 of Index Mo. III must remain unfilled in respect thereof.

**126. Transliteration of Indian names in preparing indexes.---** In preparing indexes in English, the transliteration of Indian names of persons and places, shall be regulated by the transliteration table in Schedule C and the following rules in indexing it must be borne in mind that the initial letters are of special importance.

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1. The words "the token of this be should give the following certificate at the end of the last volume of each Year" omitted by Karnataka Registration (Amendment) Rules, 1971.

(i) All proper names when given in the document shall be entered in the index in full and not with the initials only. Thus John Brown must not be indexed as J. Brown nor Tota Venkanna as T. Venkanna.

(ii) If a person is known under two different names each shall be indexed. Thus Syed Husen *alias* Nannaya Mian shall be indexed first as Syed Husen, and then as Nannaya Mian.

(iii) English names shall be indexed with reference to the first letter of the person's family name, the Christian and any other names which the such as De Sylva O' Connel, Van Haeton, shall be considered as single words.

(iv) Telugu names shall be indexed with reference to the first letter of the person's house name. This house name is often the name of some village, but not that of the village or town in which the person is residing. Affixes and prefixes denoting the rank, occupation or caste of the person such as Maharaja, Raja, Dhore, Naidu, Reddi, Shetti, Mahant, purohit, Shastri, pantulu, Shroff, Checkli, Mala, Madiga shall be entered in the column headed, "addition," as well as the person's ordinary places of residence.

(v) In Tamil, Kannada, Marathi and Oriya there are properly speaking no house names. Sometimes the person is distinguished by the name of the village from which he has come, or in which his family resides. IN other cases he prefixes the name of his father or grandfather. The indexing must therefore be regulated by the initial letter of the person's proper name, his village name, or his father's name being entered under the head of "addition", together with the person's ordinary place of residence, and any affix or prefix denoting rank, occupation or caste, *etc.*, such as Iyenger Modali, Pille, in Tamil; Achari, Rao, Bhat, Shanbhoga in Kannada; Bissoyi- Putro, Putanaik, in Marathi; Swahi, Guntayet, in Oriya.

(vi) In Malayalam, the names of Nairs, Nambudiris and Ters shall be indexed with reference to the initial letter of the person's family name. The other castes have usually no house names, and whenever this is the case, the indexing must proceed on the principle laid down in the preceding paragraph. All castes-titles such as Puttur Nair, Mennon, Nambudiri Mupen, shall be entered in the column headed "addition."

(vii) Mahomedans have no house or family names. Syed of Mir indicates that the person is by birth a Syed; Sheik or Ghulam, that he is a Sheik; Mirza Beg, Aga, that he is a Mogul, Khan, that he is a Pattan; Shariff, that his father is a Sheik, and his mother a Saidani. Female surnames for Saidanis or Begum, Bidi or Bi Nissa and Shah; for Moghulanis, khanam; for Pattanis, khatoon or Bnu; the indexing shall, therefore, be regulated by the initial letter of the person's proper name, such as Husen, Hyder, Kader and not any of the above affixes or prefixes. These must be entered in column headed, "addition" with the person's address and any affixes or prefixes, the nature of titles of indicating the trade or occupation of the person, such as Nawab, Haji, Mulla, Subedar, Soudaghar, Nalband, Kasayi, Sheb Meyan and Jan are loving titles given by parents, but as they often supersede the true names, they must not be ignored. Mohamedans are sometimes distinguished by the name of some Hindu village, or of the office which they bear in the village as Reddi. Any particulars, of this nature shall be entered in the column headed "addition". Mohamedan names often appear in a corrupt form, when transliterated into Hindu vernacular languages, Fatima Bi, being changed to in Bathma Bi, or Pathima Bi, Numir Khan into Zumir Khan, *etc.* The use of this corrupted form should be avoided as far as possible.

(viii) The indexing of names in languages which are in general use in the State of Karnataka or for which no special rules are provided, such as Oreyya Gujarathi, Parsi, Tulu, Khond, *etc.*, shall proceed on the same general principles as have been laid down for the other languages.

(ix) The names of Indian Christians who have Christian names and family names shall be indexed in the same manner as English names. Sometimes however, an Indian Christian has no family name, and prefixes his father's Christian name to his own, as Anthony Lazur, *i.e.*, Lazur son Anthony, or the name of village as Mylapur Lazur, *i.e.*, Lazur, of Mylapur. In other cases, a Hindu caste title is suffixed to one or more names, as David Solomon Pille, in which the proper name is Solomon, David is the father's name, and Pille is caste title. In these and all similar caste, the names must be indexed in the same manner as Hindu names.

(x) The names of Indian women shall be indexed with reference to the initial letter of their proper name, and the column headed "addition" shall contain the women's address, the name of her husband, father or guardian and such other particulars as may be necessary to identify her.

(xi) When an instrument is executed on behalf of a corporation, company, bank, firm or other body by a Secretary, Director Treasurer, Trustee, Agent or other person authorised to appear and act as its representatives, the indexing shall be regulated by the initial letter of the name of the body represented and the name of the representing party shall be entered in the column head "addition".

(xii) All instruments executed by or on behalf of Government shall be indexed under "Government" in English and "Sarkara" in Kannada and the designation of the officer representing Government shall be entered in the column head "addition" One or more pages shall be specially set aside for these entries.

(xiii) When two persons bearing the same name are commonly distinguished by such additions as Senior, Junior, Pedda, Chinna, Bada, Chota, Dodda, Chikka, these shall be entered in the column headed "addition"

(xiv) When English names commencing with the letter W, have to be indexed in the vernacular language in which there is no W, such names shall be entered under the letter V (ÀÐ ) if the W, is pronounced, and if it is silent under the first letter which is pronounced. Thus Wilson will be entered under V ÁÃú¹ý Wray under R, as ¢ÙÓ, Wright under R, as ¢ÙÚªý

**127. Indexes relating to towns, etc.----** (i) In Index II the entries will be made in the alphabetical order of the name of the town, kasaba or village in which the property is situated. In the case of large towns, separate sheets shall be used for each municipal division, ward, quarter or street. The Registrar shall in his discretion fix the towns in his district which shall be considered large towns for the purposes of this rule. The Survey, Municipal or Khaneshumari number of the property should be shown against the same in a separate column to be provided for in Index No, II.

(ii) Where City Survey is in force an additional index No. II shall be prepared in the special card form, namely Part II of Form No. 17-A (Part II) of Schedule A a separate card being used for each city surveyed property.

**128. Description of property in indexes. ----** The column headed "name and description of property" should not contain all the particulars stated in the register, but a brief description sufficient to admit of the property being at once identified by searching the books. If the property has a special name, it should always be given in the index.

**129. Indexes of properties situated in different towns, etc. ----** If the property described in the instruments consists of lands or houses situated in different towns or villages, it must be separately indexed under the name of each town or village.

**130. Indexes of properties situated in different districts, etc. -----** If the property described in the instruments consists of land or house situated in more districts of, sub-districts than one, thereby necessitating the transmission of copies or memoranda under Sections 64, 65, 66 and 67, each Registering Officer shall index that portion only of the property which is situated in his own district or sub-district.

**131. Indexes of properties situated indifferent suburbs. ----** If the property is situated in a suburb or hamlet, which 'for revenue purposes' is treated as forming a portion of some town or village indexing shall be regulated by the initial letter of the town or village and not of the suburb or hamlet.

**132. Index relating to the appearance of executants. -----** When the executants of a document appear at different times, the date of each appearance must be specified in indexes II and IV, in the remarks column.

**133. Indexes showing transactions affecting each survey number, etc. ---**  
- In district and sub-districts to which a rule made by the Government under Section 22(1) is applicable, Registering Officer shall maintain a subsidiary index to index No. II in Form No. 21 of Schedule A, in order to show at a glance all transactions affecting each survey number or sub-division.

**134. Indexes of names of executants. -----** An alphabetical index to the names of persons purporting to be executants of documents entered in Book 5 shall be affixed to that Register book.

## CHAPTER XX

### Inspection, Searches and Grant of Certified Copies

**135. All applications to be in writing 1[x x x x x] and to be numbered and filed. ----** (i) All applications for copies, searches, inspections or for any other purposes required to be made under the Act or these rules shall be made in writing to a Registering Officer and every such application shall be numbered serially according to the financial year and filed by the Registering Officer.

<sup>2</sup>[(ii) x x x x x.]

**136. Inspection of documents. ----** There is no provision in the Act empowering a Registering Officer to give copies or allow inspection of documents tendered for registration before they are registered. The documents themselves are private documents and there is no statutory right of inspection of these.

**137. Application for searches. -----** (i) A search fee on an application for search only whether containing the year of registration or not should invariably be levied.

(ii) When an application for a search is tendered or received by post to a Registering Officer the applicant should invariably be required to deposit the search fee in advance.

When an application for a copy is tendered or received by post the applicant should be required to deposit in advance an amount sufficient to cover the search fee for the whole period mentioned in the application. If after search the Registering Officer finds that the deposit is not sufficient to cover the fee for the copy to be granted, the party should be asked to send the same in advance before ordering the grant of the copy.

If the search unsuccessful either in case of application for search or copy, the search fee should be credited to Government and a receipt in Form No. 15 of Schedule A, should be issued. The postal and other incidental charges should be recovered in advance wherever necessary in the same manner as stated in <sup>1</sup>[Rule 112.]

(iii) If an applicant declines to pay the fees as above, his application should be endorsed accordingly and filed in the office.

(iv) In case of an application for copy, when an entry is traced but the particulars given slightly differ from those found in the Register book (i.e., there is some difference in names of executants or claimants or in consideration amount, etc.) the Registering Officers should enquire (orally or by post) whether the party wants a copy of the entry traced pointing the difference and keep the application pending for a specified period. If the applicant then asks for the copy of the deed traced, it should be supplied. If no reply or negative reply is received within the time given, the Registering Officer should treat it as an application for search and should recover search fee.

(v) Certified copies of registered documents should always be furnished within three days from the date of ordering the grant of copy. The cause of delay, when it exceeds the above limits, should be noted on the application.

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**138. Form of application for copies, searches, inspections. -----** (i) As far as possible, the parties should be advised to present their applications for copies, searches or inspections on the printed Form No. 22 of Schedule A, which may be supplied grantee. The application either typewritten or manuscript can also be submitted in the prescribed form.

(ii) All applications shall be numbered serially for the financial year.

(iii) A register in Form No. 23 of Schedule A, should be kept in every office. In this register the applications or receipt should be entered in serial order.

(iv) When an application for copy is presented personally and the fees are paid, the date on which the copy will be ready for delivery and the serial number of application should be endorsed on the receipt and on the counterfoil. In other cases only the serial number of application should be given.

**139. Register of fees paid. etc. -----** (i) A register of fees paid or of deposit or payment in lumpsum made by applicants either personally or by Money Order on account of searches and copies should be maintained in Form No. 24 of Schedule A in every office.

(ii) Where amount advance is received by Money Order no Kachha receipt for it need be sent to the applicant. Where, however, a lumpsum is tendered personally in advance a kachha receipt in Form No. 15 of Schedule A, should be given to the party unless the search for copy can be made at once and exact fees levied, in which case a pucca receipt only for the exact fees including postage, if any, should be given to the party and the balance returned without keeping any account for the advance in the Register. In the former case however, a pucca receipt with details of fees levied will be given when the case is completed. The proper fee will then be credited to Government and the balance, if any, returned to the party. Where such amount is sent by post, the pucca receipt will be sent along with the copy.

**140. Endorsement of the Registering Officer on copies of deeds. ----** The Registering Officer should record endorsement in Form No. 14 of Schedule B, on copies of deeds granted under Section 57 below the "True copy" certificate.

**141. Forwardal of copies by post. -----** The copies can be sent by registered post on payment, the postal charges must be prepaid and will be credited to Government along with the copying fees, etc., and the copies will be sent under service postage stamps.

**142. Grant of a copy of registered documents. -----** A copy of a registered instrument can neither be given on unstamped paper to an insolvent nor without payment of usual fee for copy.

**143. Levy of fees for grant of certified copies. -----** Where certified copies of documents on printed forms are granted, fees should levied as under. --  
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(i) Copying fee at the rate prescribed in Article XIII of the Fee Table for the manuscript matter, which will be written in office on printed form;

(ii) Comparing fee as prescribed in Article XIV of the Fee Table.

**144. Grant of copies of deeds in Book No. 4. ----** Copies of deeds in Book No. 4 cannot be granted to person interested in the deeds in any way other than as agents or representatives of the parties to the deed.

**145. Protests against registration of documents. ----** The Registering Officer should not entertain any petition protesting against registration of a document, Such petitions when insisted should be received and returned immediately with an appropriate endorsement and no record should be kept in the office. Since these petitions are not to be filed, their copies cannot be granted.

**146. Application for making a search. ----** (i) 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 either a copy of the entry or any written note thereof except a note of its number and date on a slate for subsequent transcription on paper. 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.

(ii) 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 under sub-rule (i) above, 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. A copy of an entry shall not be made from any book until the Registering Officer has scrutinised the entry generally.

**147. Affixation of Court fee stamps on application for inspection, etc. ----** Inspection, search applications and copy applications need not be stamped with Court fee stamps.

### **Certificate of encumbrance**

**148. Certificate of encumbrance. ----** When an application is made for a search for encumbrances in respect of any immovable property or for a list of documents executed by or in favour of a single individual, 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 certificates of list being In Form Numbers 15 to 17 of Schedule B, as the case may be.

**149. Particulars to be shown in the certificate of encumbrance. ----** In the case of searches, for a list of documents executed by, or in favour of a particular individual, 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 villages in which property affected, if any, is situated; but no description of the properties affected, by the document should be given as in the case of encumbrance certificate 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.



**150. Language of the certificates of encumbrance. ---** A certificate of encumbrance granted by a Registrar by a Sub-Registrar shall be in the language in which the indexes of his office are prepared. If the indexes are not in English but the party requires the certificate to be prepared in English, the request may be complied with as far as possible.

**151. Contents of the certificate of encumbrance. ---** A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.

**152. Certificate on encumbrance in case of records of more than one office. ---** 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.

**153. Preparation of the certificate of encumbrance.---** (i) Searches for certificates of encumbrance 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.

**154. Filing of certificate of encumbrance.---** 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 will be numbered consecutively in a separate series for each financial 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 153 shall be filed with the office copy of the encumbrance certificate concerned.

**155. Production of Register books in Court.---** The Karnataka High Court Circular R.O.C. No.1402/63, dated 29<sup>th</sup> August, 1963, requires Courts not to call for originals of records when certified copies of them can be put in at the hearing of case and will serve the purpose for which the records are required. It is, however, the function of the Court to decide whether a document is a public document and whether the original should be called for, and, therefore, whenever the original permanent records such as Register Books, are required to be produced in original by a Court, they should be so produced. The District Registrar, while forwarding the summons to the Registering Officer, should permit him to do so; but the Registering Officer, should, when producing the document, invite the attention of the Court to the provisions of Section 77 of the

Indian Evidence Act, 1872, and the said High Court Circular and request the Court to return the original at an early date. He should also, if permitted by the Court, supply a certified copy of the document for their record. When it is for the production of Register Book 3 or Register Book 4, 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 officer unless the Court considers its detention to be necessary. In cases where they are detained, the Courts shall be requested to return them similarly in sealed packets. When copy is forwarded to Court, it shall be sent in a sealed cover addressed by name to the officer presiding over the Court.

**156. Collection of safe custody fees from a Court.**---- If safe custody fee is due to be collected on a document on account of its lying unclaimed in an office and if such a document or its copy is requisitioned by the Court, on the request of the party, the safe custody fees will be collected through the Court together with charges necessary for the production of such document or such copy.

**157. Persons through whom records may be sent to Court.**--- If per chance there is no clerk available in a registry office, the requisitioned Register books, *etc.*, may be sent through a permanent menial employee.

## CHAPTER XXI

### Record of Substance of Statements

**158. Recording of evidence.**---- Evidence required by a Registering Officer shall be recorded by himself or by someone appointed under a commission.

**159. Administering Oath or Affirmation.**---- 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 and 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,"

**160. Cases where record of substance of statement may be made.**-(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 a 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 the 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 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;
- (k) When the document recites that a payment is to be made in the presence of the Registering Officer but no such payment is made or the payment made does not agree with the recitals of the deed; and
- (l) Generally in all cases in which a record may appear necessary.

(ii) All such statements with the exception of those 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) Depositions taken by a Registrar or by a Sub- Registrar empowered to exercise any of the powers of a Registrar, shall be recorded in English and by the other Sub-Registrars in the language of the Sub- District.

(iv) 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 shall be obtained. 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. The certificate shall be in English whether the deposition is taken in English or not. The form of the certificate shall be as follows.---

“The deposition is recorded, read over and interpreted and admitted to be correct by the deponent.

Sub-Registrar”

(v) At the head of each deposition the serial number of the document And year to which it pertains be noted.

(vi) The deposition book shall not be carried when a Registering Officer attends at a private residence. Any statements or deposition which a Registering Officer may find necessary to take when attending at a private residence shall be recorded by him in <sup>1</sup>[a separate book and on his returning to the office shall cause it to be copied in deposition book and the copies so made shall be got examined and also attested by him with the date of attestation.]

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1. Substituted for the words “a separate sheet and on his return to the office pasted in the deposition book” by Karnataka Registration (Amendment) Rules,1971

## CHAPTER XXII

### Transmission of Memoranda and Copies

**161. Forms for taking Memoranda.**---(i) Memoranda of registered document required for transmission under the provisions of Sections 64 to 67 shall be prepared in Form No.25 of Schedule A.

(ii) In hand copying office, copies forwarded under Sections 65 to 67 and Rule 166 shall be made on loose sheets of Book 1.

**162. Memoranda in which office to be made.**--- The total number of copies either script or typewritten on thick paper (with plans, if any) with comparing fee shall be obtained from the party presenting the document and memoranda required shall be made in the office of the original registration at the expense of the party presenting the document for registration. They shall be forwarded after recording the endorsement and certificate thereon with an intimation in Form No. 26 which shall be returned receipted by the officer to whom it is addressed.

**163. Memoranda, etc, should be pasted.** --- The copies and memoranda and translations received in a Registration Office shall not be given a document number in that office but shall be pasted into Supplement Book to Register Book No. 1, Part I, or in the file of translations as the case may be with a filing number of the year and indexed with reference to the filing number and page of the volume in which they are filed.

**164. Memoranda when a document is registered in duplicate, etc.----**  
When a document is registered in duplicate or triplicate, no memorandum or copy required to be forwarded under Sections 64 to 67 in respect of the duplicate or triplicate, but the number of copies registered with the original shall be noted in the remarks column of the memorandum or in the copy below the True Copy Certificate as the case may be.

**165. Corrections in Memoranda. -----** 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 supplement to Book No. 1 Part I, 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 supplements to Book No. 1, Part I in which the erratum has been filed shall be entered on the original memorandum or copy and the indexes shall also be corrected accordingly, by re-indexing and giving cross-references in the remarks column of both the indexes.

**166. Copy of Memo or a Decree of a Court. ---** There is no provision in the Act under which a copy of a decree or order presented for registration under Section 29 can be sent to the district in which the property is situate. But since the very object of registration is to give notice of transaction relating to properties, a copy or memo has to be sent with the necessary number of copies together with the comparing and memo fees being recovered from parties concerned.

### **CHAPTER XXIII** **Errors in Registration**

**167. Procedure when a document is registered in a wrong Book, etc. ----**  
(i) If a document has been copied in the wrong Register Book, the Sub-Registrar must obtain the previous sanction of the District Registrar to make a fresh copy in the appropriate book. The copy in the wrong Register should be completed even if the mistake is detected before the copying of the document is completed. The copy in a appropriate Book will be made from the entry in the wrong Register for which the document should not be detained pending receipt of the District Registrar's sanction but should be returned to the party concerned. The serial number given to entry in wrong Book will not be cancelled.

(ii) In the Book in which the deed was first erroneously entered, a red ink footnote should be added to entry showing where, under orders of District Registrar, it has been recopied and in the Book in which re-copying has taken place, a red ink footnote also should be added to the entry showing where the first copy of the deed appears in wrong Book. These footnotes should be signed by the Registering Officer. The serial number appearing on the copy the wrong Book should be recopied in the appropriate Book; but a fresh serial number in sequence of entry in proper Book will be given to the fresh copy.

(iii) The copy of deed in the wrong Register will in no way be cancelled by the Registering Officer. Property in such cases wrongly classified in annual returns before the mistake is discovered need not be transferred to proper class in returns of the following year.

(iv) Similarly, index entries in the wrong indexes shall not be cancelled but entries in the proper indexes shall be made in the sequence of the entry made in the proper book and cross references given in both the indexes against the entries.

**168. Correction when Memorandum, etc., are in a wrong Book. ---** In cases in which copies and memorandum 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 later shall be forwarded free of cost.

**169. Correction when a document is registered in a wrong office. --- (i)** Where by inadvertence a document is registered in a wrong office the 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 office of wrong registration is situated, the application shall be made to the Registrar of that other district.

(iii) When a directions 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 67 and the receiving officer shall file the copy or memorandum in his supplement to Book 1.

**170. Collection when insufficient stamp duty has been paid. --- (i)** When owing to sheer carelessness or ignorance of Stamp Act, A Sub-Registrar accepts and registers a deed on which insufficient duty has been paid, the loss to Government may be ordered to be made good by the Sub-Registrar, on the final orders of the Inspector General of Registration, after which, the deficit items shall be taken to the prescribed Demand Register.

**Proviso. ---** If there is a controversy between the Inspecting Officer and Registering Officer regarding the classification of the document and the stamp duty leviable, the matter shall be submitted to the Inspector General of Registration with the relevant authority, rule or case law on the subject and the inspector General's orders thereon shall be final.

(ii) In cases of neglect in the levy of registration fees, the Inspector General of Registration, will, while passing final orders on the inspection notes, order, on the merits of the case, that the deficit in fees should be made good by the Sub-Registrar concerned if it cannot be recovered from the parties. The inspectors of Registration will indicate such cases in their inspection notes for the inspector General's orders.

(iii) The under charged fee ordered by the Inspector General to be made good by the Sub-Registrar at fault should be made good within three months from the date of receipt of the order before handing over charge of the office on transfer, whichever is earlier.

(iv) There is no provision under the Stamp Act under which a Registering Officer can compel or demand the production of an insufficiently stamped document, for the purpose of impounding it.

An intimation that the document is sufficiently stamped should be given to the party concerned who should be left to take whatever action he thinks fit.

## CHAPTER XXIV

### Refusal to Register

**171. Reasons for refusal to register. ----** When registration is refused, the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below.\_

(i) **Section 19. ---** 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 or a true copy;

(ii) **Section 20. ---** that it contains unattested interlineations, blanks, erasures, or alterations which in the opinion of the Registering Officer require to be attested;

(iii) **Section 21(1) to (3) and Section 22. ----** that the description of the property is insufficient to identify it or does not contain the information required by Rule 15;

(iv) **Section 21(4). ----** that the document is unaccompanied by a copy or copies of any map or plan which it contains;

(v) **Rule 50. ----** that the date of execution is not stated in the document or that the correct date is not ascertainable or altered so as to make it unascertainable;

(vi) **Section 23, 24, 25, 26, 72, 75 and 77 ----** that it is presented after the prescribed time;

- (vii) **Section 32, 33, 40 and 43.** ---- that it is presented by a person who has no right to present it;
- (viii) **Section 34.** ---- that the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time;
- (ix) **Section 34 and 43.** ---- 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 or when an executant is not, identified to the satisfaction of the Registering Officer.
- (x) **Section 34 and 40.** ---- that the Registering Officer is not satisfied as to the right of a person appearing as representative, assignee or agent, so to appear;
- (xi) **Section 35.** ---- 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 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.

(xii) **Section 35.** 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.

(xiii) **Section 35** ---- that execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

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

(xiv) **Sections 35 and 41.** ---- that the alleged death of a person by whom the document purports to have been executed has not been proved;



- (xv) **Section 41.** --- 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 of donor;
- (xvi) **Section 25, 34 and 80.** ---- that the prescribed fee or fine or fee under any other Act to be levied before admitting a document to registration has not been paid.

**172. Refusal of registration when executants appear at different times.**

---- 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 the 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.

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

**174. Registration of documents executed by Registering Officers.** ---- A Sub-Registrar is not authorised by law to refuse to register a document which has been executed by himself or in his own favour or because he is a party interested, remotely or indirectly in the transaction to which such document relates; nor is he authorised to refuse to authenticate or attest a power-of-attorney granted for the registration of such document but he shall always advise the parties to present such a document or power-of-attorney at some other office. If the document falls within the category of documents mentioned in Section 28 of the Act, such other office will be the office of the Registrar of the district who will, as provided in the Table of fees, register such document without charging the usual extra fee under Section 30(1) of the Act. If the parties, after being advised as above, insist on the Sub-Registrar's registering a document or authenticating or attesting a power in which he is interested, he shall do so, but shall immediately report the fact for the information of the Registrar to whom he is subordinate.

This rule should not be understood as authorizing a Registering Officer to authenticate or attest powers-of-attorney, <sup>1</sup>[executed by himself.]

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1. Substituted for the word "ana logically" by Karnataka Registration (Amendment) Rules. 1971.

## CHAPTER XXV

### Appeals and Enquiries

**175. Appeal against refusal.** ---- (i) An appeal under Section 72 or an application under Section 73 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.

**176. Appeal by whom to be preferred.** ---- (i) An appeal under Section 72 shall be preferred either by the executant or claimant or by the duly authorised agent of either or them and shall be presented either by the appellant or by a certificated pleader duly authorised on his behalf by a vakalat 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 made by any person claiming under the document or by his agent duly authorised under Section 33 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.

**177. Persons who can appear in an enquiry connected with a Will or an Authority to adopt.** ---- In an enquiry connected with a Will or an Authority to adopt under Section 41(2) 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 Advocate Act, 1961 (Central Act No. 25 of 1961), 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.

**178. Applications presented without Verification.** ---- An application under Section 73 presented by any of the persons mentioned therein within the prescribed time but without the requisite verification may be returned in view to its being verified and presented again within a stated time.

**179. Procedure of disposing Appeal.** ---- (i) An applicant in this Rule shall mean an appellant under Section 72 or a party at whose instance an enquiry under Section 74 is commenced and shall include subject to provisions of Rule 176, also an agent or a vakil.

(ii) 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.

(iii) Such date shall be notified to the applicant and also published on the notice board of the Registrar's Office.

(iv) Within one week of the date of such publication, the applicant shall pay the process fee necessary for the issue of notice to opposite party (hereinafter called the 'respondent') and for summons for securing the attendance of witnesses; provided that the Registrar may extend the time for such payment from time to time on sufficient cause being shown.

(v) If on the date of hearing. ----

(a) neither party appears, or

(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.

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

## CASE LAW

**Rule 179 ---- Scope. -----** Nrayanamma v District Registrar and Special Deputy Commissioner, **ILR 1987 Kar. 1064.**

**180. Endorsement on passing an order. ---** An order on an appeal under Section 72 or on an application under Section 73, directing or refusing registration shall not be endorsed on the document itself but shall, when registrations is ordered, be recorded separately and filed in a separate file book, and when registrations 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 the records of the case.

**181. Appeal against refusal to register a Will.** --- An appeal of application against an order of refusal to register a Will presented for registration after the death of the testator may be presented by any executor appointed under the Will. The Registrar may, after the perusal of the records connected with the refusal, call for fresh evidence or issue summons to witnesses or remand the case to the Sub-Registrar for further enquiry.

**182. Procedure when refusal based on non-appearance of executants.** ---- 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 of 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 has been specifically denied.

**183. Communication of orders passed.** ---- (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 the offices.

**184. Registration ordered by the Registrar or a Court.** ---- When a document refused registration is ordered to be registered either by a Registrar or by a Court, a note to the following effect shall be entered in Book No. 2 under the order originally passed by the Sub-Registrar's refusing Registration and at the foot of the copy of Registrar's order or decree of the Court filed under Rule 18(iii).

“Registered under the orders of the Registrar/Court as No. .... Of 19 ..... Book ..... Vol. .... Pages. ....”.

**185. Maintenance of file of appeal, orders and judgments.** ---- In every Registration office, a file designated, “File of appeal orders and judgments” shall be maintained and in it shall be preserved the following. ----

(i) the final order of the Registrar in appeals, applications and enquiries when registration is ordered;

(ii) the drafts of the orders of refusal referred to in Rule 187;

(iii) copies of Registrar's final orders communicated to Sub-Registrars under Rule 184;

(iv) copies of orders or decrees of Courts filed by parties directing the registration of documents and copies of orders and decrees received from Courts canceling the registration of documents;

(v) copies of judgments of Criminal Courts, whether they are copies received from Courts or are copies thereof prepared departmentally;

(iv) the orders of the District Registrars passed on an application under Sections 25 and 34 regarding delay in presentation and appearance.

**186. Order refusing to direct registration. ----** When a Registrar refuses to direct the registration of a document under Section 72 or Section 75, the order passed by him may be copied in Book No. 2 by a Clerk, the copy so made being treated as the original and signed by the Registrar himself without the addition of the words, "true copy". The Registrar's draft from which the copy is made shall be filed in the file of appeal orders and judgments maintained under Rule 186.

**187. Order refusing to register for non-appearance of executant. ----** In cases where the refusal order of a Sub-Registrar is based on the ground that the executant did not appear even after the expiry of the full time allowed. ---

(i) If the presentant had taken no steps to enforce the appearance of the executant, the latter cannot constructively be held to deny execution and the refusal order falls under sub-section (1) of Section 34 and the appeal under Section 72;

(ii) If, however, such steps have been taken and processes issued, although abortively, the non-appearance is tantamount to denial of execution, the refusal order falls under sub-section (3) OF Section 35 and no appeal lies under Section 72 although an application may be made under Section 73.

**188. Order directing registration after enquiry. ---** In an appeal under Section 72 preferred against an order of refusal to register, based on the ground that the executant of the document is a minor, an idiot or a lunatic, the Registrar shall, when ordering its registration on finding the executant to be a major or of sound mind as the case may be, direct that the document be registered if the executant appears before the Sub-Registrar again and admits execution of the document.

**189. Registrar has no powers to call for the description of properties. ----** In an appeal filed under Section 72 against an order of refusal to register for want of sufficient description of property a Registrar has no power to call for further description of the property.

**190. No appeal lies when a document is returned at presentant's request. ----** No appeal lies to a Registrar on a document which is not refused registration by a Sub-Registrar but is withdrawn from registration by the presentant, when returned to him at his request.

**191. Limitation on appeals to the Registrar against the orders of the Sub-Registrar. ----** (i) Where the registration of a document is refused by a Sub-Registrar on the ground other than denial of execution, an appeal lies to the District Registrar to whom the Sub-Registrar is subordinate. This appeal must be presented within 30 days from the date of order of the Sub-Registrar's refusal to register. It is not necessary that it should be accompanied by a copy of Sub-Registrar's reasons for refusal. The District Registrar may on the merits of the case, reverse or alter the order of the Sub-Registrar.

(ii) When Sub-Registrar has refused to register a document on the ground of denial of execution, any person claiming under the document can make an application in writing to the Registrar of the district to whom the Sub-Registrar refusing to register is subordinate. This application shall be made within 30 days after the making of the order of refusal of the Sub-Registrar and must be accompanied by a copy of the Sub-Registrar's Reasons for refusal. The District Registrar can, however, if he is satisfied that the Sub-Registrar does not give the copy without unnecessary delay or does not give it at all, allow the applicant to make his application either unaccompanied by the copy of reasons for refusal or beyond the prescribed period of 30 days. The statements in the application must be verified in the manner required by law for verification or plaints. The verification can be signed before the application is presented to the District Registrar. In such case the party applying usually gives the name of witnesses to be examined to prove the execution of the document. The District Registrar, however, can, at the expense of the party, summon and examine any other witnesses. It is not necessary that all witnesses cited by the applicant must be examined and the requirements of law for the time being in force, such as those contained in Sections 19, 20, 21, 25, etc., have been complied with, he can order the registration of the documents. The District Registrar is competent to order by whom the whole or part of the cost of any such enquiry shall be paid. The cost should be recovered as if they had been awarded in a suit under the Code of Civil Procedure. The Tahsildar or Deputy Tahsildar of the jurisdiction, may be asked to recover these costs.

(iii) The proceeding sheets prescribed in Form No. 27 of Schedule A should be used. The statements of parties may be recorded on sheets attached to the proceeding sheet itself.

(iv) Process fee, etc, shall be levied as laid down in Article XXVI of the fee table.

## CHAPTER XXVI

### Fees and Fines

**192. Determination of Fees.** ---- 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, refer the question to the Registrar who shall, if he thinks there has been an overcharge, order the Sub-Registrar to refund any excess. If the decision is adverse to the party, he may make a further reference to the inspector General of Registration. Such application shall be made within 90 days after payment of fees.

**193. Withdrawal when allowed.** --- (i) A Registering Officer may, before the order of registration is passed, at the request in writing of the party presenting the document for registration, allow him to withdraw the same.

(ii) One-half of the registration fee and all the copying fees in respect of a document presented for registration which is subsequently withdrawn before the order of registration has been passed and in respect of a document of which registration is finally refused shall be refunded.

**Note.** --- Any fine levied by the Registrar under Section 25 is not to be refunded, except under Section 70 of the Indian Registration Act. Similarly, any fees levied for issuing commissions, summons, and for meeting attendance and traveling allowance charges shall not be refunded, if they have been earned or disbursed.

**194. Refund of amounts.** ----- Refund of amounts as per Rule 193 may be allowed by the Registrars if the cases do not exceed 3 years and by the inspector-General if they do not exceed 5 years from the date of collection.

**195. Application for remission or refund of fees, etc.** --- (i) Every application for the remission or refund of a fine or a fee shall be lodged in the first instance with the Registering Officer, who levied it, for submission to the sanctioning authority through the proper channel.

(ii) Every Registering Officer shall maintain a register in Form No. 28 of Schedule A relating to refunds of fees surcharged.

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

**197. Remittance of collection to treasuries.** ---- (i) At stations where there is a treasury and the treasury is open, the collection shall be remitted daily to the treasury. A remittance to the treasury shall be accompanied by a Challan and the "Registration Department Remittance Book" mentioned in sub-rule (iii) below.

(ii) Every Registering Officer shall keep in his custody the fees received by him each day and invariably credit the same on the next working day into the Treasury.

(iii) Every Registering Officer will keep a separate Treasury Remittance Book, headed "Registration Department Remittance Book", in which he will enter the sums as they are paid into the local treasury, obtaining in the proper column the signature of the officer in charge of the Treasury, who, after the close of the month, will give a consolidated receipt for the whole month's receipts in the usual course. This receipt will be attached to the Registering Officer's Monthly Returns.

(iv) At stations where there is no treasury the fees shall be remitted to the nearest treasury at such intervals as may from time to time be prescribed by the inspector-General.

(v) A remittance to the treasury in cases contemplated in sub-rule (iv) above shall be accompanied by a challan duly filled up in duplicate in view to retain one copy of each challan signed by the Treasury Officer. Such duplicate challans should be preserved in the Registering Offices by pasting them to a file book with numbered butts.

(vi) A separate remittance book shall be maintained in respect of records of rights fees collected under the Karnataka Land Revenue Act, 1964 and Rules thereunder.

## CHAPTER XXVII

### Prosecutions

**198. Procedure for instituting prosecutions.** --- A Sub-Registrar shall, before instituting a prosecution, forward a full report of the case to the District Registrar and Inspector-General of Registration and obtain the approval of the Inspector-General of Registration to the prosecution. If, however, the circumstances demand immediate prosecution a report shall be made by the Sub-Registrar to the District Registrar and Inspector-General of Registration, immediately.

**199. Lodging of criminal complaints.** ---- A Sub-Registrar may, with the previous sanction of the Registrar, lodge a criminal complaint against a person who makes in the process of registering a document an intentionally false statement. When however, execution is denied, he shall not proceed to take evidence regarding execution and prosecute the executants for making a false statement but merely refuse registration and leave the party aggrieved to apply to the Registrar under Section 73 for an enquiry into the fact of execution.



**200. Registering Officer not competent to compel a party to sign. ---** A refusal to sign an endorsement or a statement made to a Registering Officer does not constitute an offence under the Indian Penal Code or under the Registration Act. A Registering Officer is not competent to compel a party to sign the endorsement or to have a statement recorded by him. His duty is merely to carry out the voluntary wishes of parties who appear before him.

**201. Procedure when complaint is made regarding false personation. ----**  
(i) When a formal complaint is made to a Registering Officer that false personation has been committed in respect of a document registered by him or in his office, he is bound to satisfy himself as to the truth of the complaint and the simplest method of doing so is by a comparison of the thumb impression. If he finds the complaint is well founded, he shall take action to prosecute the offenders. Where, however, the offence has been committed by illiterate persons without any fraudulent intention, a prosecution need not be instituted, but the case shall be reported to the Registrar for his orders. While it is desirable that ignorant persons should not be unnecessarily harassed, care shall be taken, that by neglecting to enforce the provisions of the Act, registration, which is intended to secure the genuineness of documents, does not become discredited.

(ii) Depositions recorded, in false personation cases shall be taken on loose sheets and preserved with the connected records of the case.

## CHAPTER XXVIII

### **Documents Executed by Government Officer and other Public Functionaries.**

**202. Persons exempted from personal appearance. ----** The exemption from personal appearance contemplated by Section 88 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.

**203. Documents sent with a covering letter. ----** (i) When a document is forwarded by a Government Officer with a covering letter stating that it was executed by himself and asking for its registration, the letter should ordinarily suffice to satisfy the genuineness of the signature of the exempted person.

(ii) When it is presented by a private individual who is a party to the document, a brief enquiry from him or from his identifying witness may be sufficient.

<sup>1</sup>[<sup>2</sup>(iii) The provisions of Rules 40 and 71 insofar as they relate to affixation of photographs to the document shall not apply to the documents executed by a person exempted from personal appearance under Section 88 of the Act and also under the provisions of any other law for the time being in force under which such exemption is allowed.]

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1. Sub Rules (iii) and (iv) inserted by Notification No. RGN 2/2002-03. dated 1-4-2002, w.e.f. 4-4-2002.

2. Sub-Rules (iii) and (iv) substituted as sub-rule (iii) by Notification No. RGN 2/02-03. dated 19-6-2002. w.e.f. 19-6-2002.

**204. Endorsement where a document is sent with a covering letter. ----** (i) where a document executed by a Government Officer, exempted from appearance under Sub-section (i) of Section 88, is forwarded with a covering letter, the presentation endorsement shall be in the following form. \_\_\_\_

“Presented in the office of the (Sub) Registrar..... Of..... between the hours of ..... And ..... on the ..... 19 ..... With Letter No. .... dated ..... of ..... 19 .....”

(ii) And instead of the endorsement, “Execution admitted by” the next endorsement shall be in the following form. ----

“I have satisfied myself as to the execution of the document by ..... who is exempted from personal appearance under sub-section (i) of Section 88 of the Indian Registration Act.”

## CHAPTER XXIX

### Preservation of Records

**205. Preservation of Permanent Records. ----** 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, with its index.

Index Numbers I, II, III and IV including City, Town, Survey Index No. II and Subsidiary index.

Registers of thumb impressions.

Files of translation

Files of appeal orders and judgments and orders of Courts.

Deposition book.

Additional Books 1, 3 and 4.

Supplement to Book No. 1, Parts I to IV.

<sup>1</sup>[**205-A. Collective responsibility of the staff of Sub-Registrar.----** Although the Sub-Registrar is generally responsible for the Records as head of the office, it is the collective responsibility of all staff including Group 'D' officials of the office to preserve the public records and to take care for their safe custody, longevity and prevent their deterioration due to pests attack, weather etc.].

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1, Inserted by Notification No. RGN 2/2002-03, dated 1-4-2002, w.e.f. 4-4-2002.

**206. Preservation or destruction of records as per rules. ---** All other books and records shall be preserved or destroyed under such orders as may be issued from time to time by the inspector General provided that the disposal of such books and records as are maintained under the Registration Act or the rules framed thereunder shall be regulated by the Rules made by the Inspector-General of Registration under the Destruction of Records Act, 1917, from time to time.

**207. Registers of permanent and temporary records. ----** In all registration offices two registers of records shall be maintained in Form No. 13 of Schedule A relating to the permanent records and the other relating to the temporary records and in these registers.

**208. Account of records in registers. ----** (i) All records in an office shall be brought to account in one or other of these registers according to the instruction 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 or Register book or a new register of thumb impressions and a volume of index 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 or the first document is indexed.

(ii) 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 the record destroyed each such note being attested and dated by the Registering Officer.

## CHAPTER XXX

### Custody of Books and Documents

**209. Custody of Books and Documents.** ---- Except under the order of a Court or of the Inspector-General of Registration no person shall be permitted to remove any of the books from the office in which they are deposited, and except during office hours, they shall be kept locked up in a box or almirah the key of which shall remain in the possession of the Registering Officer. Every precaution must be taken to protect all books, papers and documents from the ravages of white-ants, accidents from fire, etc. and the sanction of the Inspector-General of Registration must be obtained for the destruction of any books, etc., which may be deemed no longer necessary to keep (also please see Rule 86.).

## CHAPTER XXXI

### Returns and Accounts

**210. Dates of closing accounts.** ---- The Sub-Registrars at the District Headquarters shall close their accounts on the last day of each month and the Sub-Registrars elsewhere shall close their accounts on the day on which the treasury in which the fees are remitted by them, closes its accounts each month.

**211. Submission of monthly and annual returns.** --- (i) Every Sub-Registrar shall on the last day of each month, submit to the Registrar, to whom he is subordinate, a monthly return in Part I of Form No. 29 of Schedule A, and every Registrar shall on or before the 5<sup>th</sup> day of each month, submit a monthly return in Part II of Form No. 29 of Schedule A, on the basis of the monthly return submitted to him by the Sub-Registrars to the inspector-General of Registration.

(ii) Every District Registrar shall submit Annual Returns on or before the date appointed by the inspector-General of Registration from time to time in this behalf in Parts I - - V of Form Nos. 30 to 30-D of Schedule A, and shall fill up the entries therein from similar forms prepared in his office and those received by, him from the Sub-Registrars. He should state clearly but in brief his opinion as to the significance of the statistics. Every Sub-Registrar shall keep the returns Parts I—V duly filled in at the close of every month and submit the same in the beginning of each quarter to his District Registrar for his perusal and return.

(iii) Every Inspector shall submit to the Inspector-General on or before the date prescribed by the inspector-General from time to time, an annual report containing such information as may be prescribed by him.

**212.** The Sub-Registers will also forward to the proper authorities such other returns as may be required either under the orders of the State Government or the Central Government.

## CHAPTER XXXII

### Withdrawal of Seated Covers

**213. Withdrawal of sealed covers. ---** When an application is made for the withdrawal of a sealed cover under Section 44, the Registrar, shall, before delivering the cover under the said section, take back the receipt given under Rule 110 when the cover was deposited and file it. The signature of the recipient shall also be taken in the last column of Register Book No. 5.

## CHAPTER XXXIII

### Inspection of Registration Offices

**214. Inspection by Registrar. ---** Every Registrar shall inspect 50 per cent of the office of the Sub-Registrars in his district at least once a year.

**215. Memorandum of inspection. ----** The Registrar shall send a memorandum of each inspection to the Inspector-General in the form prescribed by the Inspector-General of Registration from time to time.

**216. Inspection by the inspector-General of Registration. ----** The Inspector-General shall at least inspect one Sub- Registry Office in each district every year. Fifty per cent of the offices of the District Registrars shall of least be inspected by him once a year.

**217. Inspection by Inspectors. ---** Inspectors shall inspect all the sub-Registry Offices under their charge not less than once a year.

**218. Inspection of Register books in Sub-Registrars' Offices and reports regarding damaged books by the Inspectors. ---** (i) Every Inspector shall examine the books, indexes, accounts an other records in the office of a Sub-Registrar subordinate to him, once in every year. He should inspect the indexes and compare at least 50 entries in each index with Register books. He shall as required by sub-section (2) of Section 52 authenticate such Register books as he may examine by making a record in each of them to the following effect. \_\_\_

“Entries from page to page in this book have been examined by me.

Signed

Inspector”.

(ii) Every Inspector shall also inspect the books of the Sub-Registrars in his jurisdiction and report to the Registrar the Register books mentioned in sub-section (1) of section 51 or portions thereof which are in danger of being destroyed or becoming illegible wholly or partially.

(iii) The Inspector shall, in the "Inspection Form" prescribed by the Inspector-General from time to time, make a memorandum of all errors. Acts of negligence or doubtful practices detected and after giving the Sub-Registrar an opportunity to explain or set right at once any defect found and after proposing such orders on the memorandum as he may deem proper, send one copy of the same for information to the Registrar to whom the Sub-Registrar is subordinate, one to the Inspector-General for approval and one to the Sub-Registrar concerned.

(iv) The Inspector-General shall forward a copy of his order in respect of such memorandum with his remarks or suggestions, if any, to the Registrar and the Registrar shall then send it to the Sub-Registrar concerned for compliance.

**219. Submission of diary of work by Inspectors.** ---- On or before the 7<sup>th</sup> day of every month, each Inspector shall submit to the inspector- General a diary of his work and movements during the preceding month.

## CHAPTER XXXIV

### Destruction of Documents

**220. Destruction of unclaimed documents.** --- Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

**221. Documents which are kept separate.** --- List of unclaimed documents to be exhibited \_\_\_ Notice to presenter or his nominee, if any, for unclaimed documents and manner of sending it. --- (i) Documents of which registration is not complete and registered documents pending delivery shall be kept separate.

(ii) A list of documents which have been registered and have remained unclaimed for more than 15 days from the date of completion of registration, shall be exhibited to public view in Form No. 31 of Schedule A, in the office of every Registering Officer.

(iii) If a document remains unclaimed for fifteen days after its registration, or after registration of the same has been refused, the Registering Officer shall on the day following the last day of such period of 15 days issue a notice in Form No. 31 of Schedule A, to the person who presented the document or his nominee, if any, informing him that if it be not claimed within a further period of 15 days from the date of the notice, an extra fee at the rates prescribed in the Table of Fees prescribed under Section 78 shall be leviable before such document can be delivered to him. Such notices shall be sent by post.

**222. The form of notice in case of unclaimed documents to be destroyed and the procedure thereafter---- Note of destruction to be recorded. ---** (i) A Registering Officer shall issue a notice in Form 32 of Schedule A, when a document the destruction of which is authorised by Section 85, remains unclaimed for a period exceeding two years from the date of registration or refusal to register it or the date on which the proceeding in respect of its registration were adjourned for the last time. After the expiration of the period of notice, the Sub-Registrar shall send the document to the Registrar to whom he is subordinate for destruction and the Registrar shall communicate to the Sub-Registrar the date on which it was actually destroyed and the Registrar shall communicate to the Sub-Registrar the date on which it was actually destroyed.

(ii) In case of destruction of registered document, a note recording the destruction shall be entered in the appropriate Register book at the foot of the copy of the document. In cases of documents, registration of which is refused, the note shall be recorded in Column 4 of Register.

(iii) In cases in which the receipts granted by Sub-Registrar for documents under Section 52 are lost, the holders of them are dead, etc., and the parties or the representatives of the deceased, as the case may be, apply in writing for return of the documents, the Sub-Registrar should hand over the document after satisfying himself of the right of such person to receive the same according to rules and safeguards in force at the time, no special permission of the Registrar being necessary. In such cases he should make a short note on the application of the circumstances and may in his discretion take the thumb impression of the person to whom the deed is delivered below his signature and on the counterfoil of the receipt.

The following evidence may suffice to prove the rights. ----

- (a) Examination of two witnesses on oath, or
- (b) Production of Letters of Administration, or
- (c) Succession certificate, or
- (d) Probate, or
- (e) Affidavit by a responsible officer or person.

In cases in which the Registering Officer entertains any doubt, he should report the case to the District Registrar, who should dispose of it himself, or, if necessary refer to the Inspector-General of Registration.

(iv) This procedure also applies to receipts granted for deposit of sealed covers; naturally great care and circumspection must be used.

(v) In the case of a person who has lost the receipt, the document may be returned to him on his being properly identified and the signature of the identifier obtained below the Registering Officer's endorsement on the application.

**223. Safe custody of belated wills. ---** Wills and cancellation of Wills remaining unclaimed for over two years in a Sub-Registry Office should be transferred to the District Registry Office for custody in his safe. A note to that effect should be made below the original entry.

**224. Protection from suit, claim or demand. ---** No Registering Officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

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