

**OFFICE OF THE DEPUTY COMMISSIONER-NORTH, GOVT. OF DELHI**

1) Kindly refer to the proposals placed before the undersigned for certifying true copies of sale deeds and other registered documents which have been registered prior to the year-2001 which are being presented before DC (HQ).

2) According to the information conveyed by SDM (HQ) an order No. F. (1)/Regn. Cell/98-99/73 dated 14.03.2002 has been issued providing inter alia that DC (N) would look after the work of Registration Branch under the provisions of Section 42 to 45 and 57 of the Registration Act. It is nowhere stated in the order that the proposals must have assent of DC (North/Hq) that he must himself certify the true copies of registered documents.

3) Under the circumstances, all the 20 proposals furnished for certifying true copies by DC (Hq) may be dealt with at the level of concerned SDM (HQ)/ADM (HQ) and may not be submitted to DC (North) for approval or for signatures.

4) It is preferable that official order may be issued for dealing these simple cases of certification at the level of SDM (Hq).

Encl: 20 proposals

*[Signature]*  
20/11/09  
(AKASH MOHAPATRA)  
DY. COMMISSIONER (NORTH)/HQ

32153/DC(N)  
28/11/09

Add. Dist. Registrar (HQ)  
GNCT of Delhi

Date: 24 NOV 2009

File No: 4123

24 NOV 2009

Divisional Commissioner GNCT of Delhi

ADM/HQ

5. "x" above may pl. be referred. there is no harm if the proposal mooted by DC (N/Hq) is approved. for his proposal an order pl.

6. What responsibilities do sections 42 to 45 & 47 cast on the officer? Prescribe.

*[Signature]*  
ADM(HQ)

SAVE IT WHILE YOU STILL CAN.

*[Signature]*  
24/11  
Lodhok.

**OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI**

(10) May kindly see the remarks of Worthy Pr. Secretary(Revenue)/IGR at pre-page 1/N. In this regard it is submitted that section 42 to 45 of the Registration Act, 1908 provides the procedure with regard to deposit of WILL with Registrar, withdrawal of sealed cover WILL deposited under section 42 and proceedings on death of depositor. Photocopy of extract of the provisions are enclosed here for perusal. (page 24/c to 25/c)

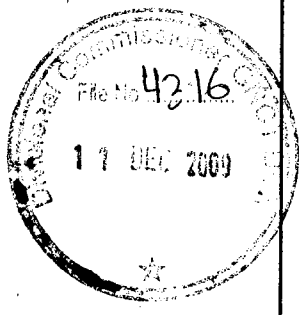
(11) Section 57 of the Registration Act, 1908 provides for the inspection of certain books and indexes, and to give certified copies of entries. Photocopy of the extract of the provision is enclosed here for perusal. In this regard, may kindly see sub section 5 of section 57 of the said act (Page 26/c) which is reproduced as under:-

5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of providing the contents of the original documents.

(12) Submitted for the orders of Worthy Divisional Commissioner, Delhi please.

502/Regn/186/2009  
07/12/09

4716/S-II(HA)  
10/12/09



11/12/09

S/M (170)

Ajay Kumar

10/12

ADM(HA)

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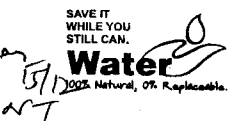
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Pr Secy (Rev)/IGR

13. Does this amount to a revised delegation compared to the orders of March 14, 2002? If so, I think the powers to deal with the matter are appropriately delegated to the DC level and should not go lower.

JS (Rev)

Ajay Kumar



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14/12

S/M (6 II)

Longhole

11/12/09

OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION: GNCT OF DELHI  
REGISTRATION BRANCH  
TIS HAZARI COURTS, DELHI - 110 054.

No.F.(1)/Regn.Cell/98-99/73

Dated: 14/3/2002

ORDER

Consequent upon the deletion of section 30(2) of the Indian Registration Act, 1908 by the Government of India vide Notification No.56, dated 24.9.2001, the Deputy Commissioner (North District) is hereby ordered to look after the work of Registration Branch (HQ) under the provisions of section 42 to 45 and 57 of the Registration Act.

(G.S. PATNAIK)

Inspector General of Registration  
Delhi

To

The Deputy Commissioner (North Distt.)

- (iii) in sub-section (5), for the words "document entered", substitute "document of which a true copy is filed".

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

**Pondicherry:**

With reference to documents specified in the Rules made under section 52(3) as obtaining in Pondicherry, section 55 shall stand modified as under:—

- (i) in sub-section (2), for the words "every document entered or memorandum filed", words "every document of which a true copy or a memorandum is filed" shall stand substituted;
- (ii) in sub-section (4), for the words "every will and authority entered in Book No. 3", words "every will and authority of which a true copy is filed in Book No. 3" shall stand substituted;
- (iii) in sub-section (5), for the words "documents entered", words "document of which a true copy is filed" shall stand substituted.

[Vide Pondicherry Act 17 of 1970, Sch., Item 5].

**Tripura:**

In section 55,—

- (i) in sub-section (2), for the word "entered" substitute the words "of which a true copy is pasted";
- (ii) in sub-section (4), for the words and figure "every will and authority entered in Book No. 3" substitute the words and figure "every will and authority of which a true copy is pasted in Book No. 3";
- (iii) in sub-section (5), for the word "entered" substitute the words "of which a true copy is pasted".

[Vide Tripura Act 7 of 1982, sec. 9 (w.e.f. 1-1-1983)].

**West Bengal:**

Same as in Pondicherry.

[Vide West Bengal Act 17 of 1978, sec. 7 and Sch.].

**Section 55A**

**West Bengal:**

For section 55A, which was inserted by the Indian Registration (West Bengal Amendment) Act, 1950 (29 of 1950), sec. 3, substitute the following, namely:—

"55A. Copies of books and indexes to be as good as original books and indexes in certain cases.—Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947, in registration offices situate in district or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947, have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector-General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies."

[Vide West Bengal Act 31 of 1951, sec. 2 (w.e.f. 2-11-1951)].

**56. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.**—[Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), sec. 2.]

**57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.**—(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the Index relating thereto which such entries refer to (but not before) to a

(3) Subject to the Index relating thereto the documents to which representative.

(4) The requisite shall be made only by

(5) All copies given by the registering officer, a contents of the original

**Gujarat:**

Same as in Maharashtra [Vide Act 11 of 1960]

**Maharashtra:**

In sub-section (1), a figures were inserted, namely sections (1) and (3) of section 55 [Vide Bombay Act 244-1958].

(B) As

**58. Particulars to**

(1) On every document order, or a copy sent endorsed from time to

(a) the signature of the deponent or representative addition

(b) the signature of such document

(c) any payment made by the registrant and any other

(2) If any person the same, the registering officer at the same time endorse a

**Tamil Nadu:**

In section 58,—

(i) in sub-section (aa) in addition of claim has been the signature

(ii) in sub-section "and in the execution of document" shall

[Vide Tamil Nadu Act

**59. Endorsement**

registering officer shall be present on the same

26/c

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Book Nos. 3. and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

## STATE AMENDMENTS

## Gujarat:

Same as in Maharashtra.

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

## Maharashtra:

In sub-section (1), after the words and figure "Book No. 1", the following words and figures were inserted, namely: "and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies."

[Vide Bombay Acts 5 of 1929, sec. 10 (w.e.f. 22-5-1929) read with 35 of 1958 (w.e.f. 24-4-1958)].

(B) As to the procedure on admitting to Registration

## 58. Particulars to be endorsed on documents admitted to registration.—

(1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:—

- (a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;
- (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and
- (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

## STATE AMENDMENTS

## Tamil Nadu:

In section 58,—

- (i) in sub-section (1), after item (a), the following item shall be inserted, namely:—

"(aa) in the case of a document for sale of property, the signature and addition of every person admitting the claim under such document, and, if such claim has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;";

- (ii) in sub-section (2), after the expression "execution of a document", the expression "and in the case of a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document" shall be inserted.

[Vide Tamil Nadu Act 28 of 2000].

59. Endorsements to be dated and signed by registering officer.—The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

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summons accordingly, and cause it to be served upon the person whose appearance is so required.

**38. Persons exempt from appearance at registration-office.**—(1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) person exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

**39. Law as to summonses, commissions and witnesses.**—The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

#### PART VIII

##### OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

**40. Persons entitled to present wills and authorities to adopt.**—(1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

**41. Registration of wills and authorities to adopt.**—(1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

- (a) that the will or authority was executed by the testator or donor, as the case may be;
- (b) that the testator or donor is dead; and
- (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

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#### PART IX

##### OF THE DEPOSIT OF WILLS

**42. Deposit of wills.**—Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

**43. Procedure on deposit of wills.**—(1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

**44. Withdrawal of sealed cover deposited under section 42.**—If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

**45. Proceedings on death of depositor.**—(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

#### STATE AMENDMENTS

##### Goa:

In section 45,—

- (a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3" shall be substituted;
- (b) in sub-section (2), for the words "copy has been made", the words "true copy has been filed" shall be substituted.

[Vide Goa Act 24 of 1985, sec. 3 (w.e.f. 5-12-1985)].

##### Karnataka:

Amendments to section 45 are the same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 4 (w.e.f. 24-10-1976)].

##### Kerala:

In section 45,—

- (i) in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", substitute the words "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (ii) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

[Vide Kerala Act 7 of 1963, sec. 5 (w.e.f. 22-2-1968)].

##### Orissa:

Amendments to section 45 are the same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 4 (w.e.f. 19-9-1989)].

##### Pondicherry:

Section 52(5) of the Act as amended in Pondicherry gives powers to the State Government to specify classes of documents with reference to which certain other sections shall have modified application, section 45 is one of them:

"In section 45, in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", words "cause a true copy thereof to be made and filed in his Book No. 3", shall be substituted; and in sub-section (2) for the words "copy has been made", words "true copy has been filed" shall be substituted.

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

##### Tripura:

Amendments to section 45 are the same as in Kerala.

[Vide Tripura Act 7 of 1982, sec. 4 (w.e.f. 1-1-1983)].

##### Tamil Nadu and West Bengal:

For modification of section 45, see Schedule to Act as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

23/c

**46. Saving of certain enactments and powers of Courts.**—(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

**STATE AMENDMENTS**

**Goa:**

In section 46,—

- (a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filed" shall be substituted;
- (b) for the words, letters and figure "cause the will to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

[Vide Goa Act 24 of 1985, sec. 4 (w.e.f. 5-12-1985)].

**Karnataka:**

Amendments to section 46 are the same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 5 (w.e.f. 24-10-1976)].

**Kerala:**

In section 46, in sub-section (2),—

- (a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed"; and
- (b) for the words "cause the will to be copied into Book No. 3", substitute the words "cause a true copy of the will to be made and filed in his Book No. 3".

[Vide Kerala Act 7 of 1968, sec. 6 (w.e.f. 22-2-1968)].

**Orissa:**

Amendments to section 46 are the same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 5 (w.e.f. 19-9-1989)].

**Pondicherry:**

With reference to documents specified by rules made under sub-section (3) of section 52 as obtaining in Kerala, section 46 shall stand modified as follows:—

In sub-section (2) of section 46, for the words "unless the will has been already copied" and the words "cause the will to be copied into his Book No. 3", words "unless the true copy of the will has already been filed" and "cause a true copy to be made and filed in his Book No. 3" shall respectively be substituted.

[Vide Pondicherry Act 17 of 1970, Sch. Item 2 (w.e.f. 1-11-1970)].

**Tripura:**

Amendments are the same as in Kerala, except that for the word "filed", the word "pasted" has been used.

[Vide Tripura Act 7 of 1982, sec. 5 (w.e.f. 1-1-1983)].

**Tamil Nadu and West Bengal:**

For modification of section 46, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

**PART X**

**OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION**

**47. Time from which registered document operates.**—A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

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- (iii) in sub-section (5), for the words "document entered", substitute "document of which a true copy is filed".

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

**Pondicherry:**

With reference to documents specified in the Rules made under section 52(3) as obtaining in Pondicherry, section 55 shall stand modified as under:—

- (i) in sub-section (2), for the words "every document entered or memorandum filed", words "every document of which a true copy or a memorandum is filed" shall stand substituted;
- (ii) in sub-section (4), for the words "every will and authority entered in Book No. 3", words "every will and authority of which a true copy is filed in Book No. 3" shall stand substituted;
- (iii) in sub-section (5), for the words "documents entered", words "document of which a true copy is filed" shall stand substituted.

[Vide Pondicherry Act 17 of 1970, Sch., Item 5].

**Tripura:**

In section 55,—

- (i) in sub-section (2), for the word "entered" substitute the words "of which a true copy pasted";
- (ii) in sub-section (4), for the words and figure "every will and authority entered in Book No. 3" substitute the words and figure "every will and authority of which a true copy is pasted in Book No. 3";
- (iii) in sub-section (5), for the word "entered" substitute the words "of which a true copy is pasted".

[Vide Tripura Act 7 of 1982, sec. 9 (w.e.f. 1-1-1983)].

**West Bengal:**

Same as in Pondicherry.

[Vide West Bengal Act 17 of 1978, sec. 7 and Sch.].

**Section 55A**

**West Bengal:**

For section 55A, which was inserted by the Indian Registration (West Bengal Amendment) Act, 1950 (29 of 1950), sec. 3, substitute the following, namely:—

"55A. Copies of books and indexes to be as good as original books and indexes in certain cases.—Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947, in registration offices situate in district or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947, have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector-General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies."

[Vide West Bengal Act 31 of 1951, sec. 2 (w.e.f. 2-11-1951)].

**56. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.**—[Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), sec. 2.]

**57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.**—(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.