

PART IV
OF THE TIME OF PRESENTATION

23. Time for presenting documents.—Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

COMMENTS

Where a document requiring registration is not presented for registration within the time prescribed, it will not be open to the parties to have it registered in an indirect manner by simply adopting the device of registering to it in, or making it a part of, a later document which could be presented for registration; *P.A.J. Seetharama Raju v. L.G.G.A. Deptt.*, AIR 1963 Mad.

¹[23A. Re-registration of certain documents.—Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in

1. Ins. by Act 15 of 1917, sec. 2.

accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

STATE AMENDMENTS

Section 23B

Andhra Pradesh:

After section 23A, insert the following section, namely:—

23B. *Power of State Government to permit the registration of documents registered in the loges at Masulipatnam and in certain other areas in French India.*—(1) The State Government may, by notification in the Andhra Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the *loges* at *Machilipatnam* (formerly known as *Masulipatnam*), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra Pradesh, as it applies in relation to documents relating to properties situated within the *loges* referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[*Vide* Madras Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Andhra Pradesh A.L.O., 1953.]

Kerala:

Malabar—Omit section 23B inserted by Madras Act 17 of 1952 as in force in the Malabar District.

[*Vide* Kerala Act 2 of 1959, sec. 2 (w.e.f. 1-6-1960).]

Tamil Nadu:

After section 23A, insert the following section, namely:—

23B. *Power of State Government to permit the registration of documents registered in the loges at Kozhikode and in certain other areas in French India.*—(1) The Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the *loges* at Kozhikode (formerly known as Calicut), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purpose from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Madras, as it applies in relation to documents relating to properties situated within the *loges* referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[*Vide* Tamil Nadu Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954, (w.e.f. 1-10-1953).] Tamil Nadu Act 17 of 1952, in so far as applies to, and is in force in the added territories, i.e., territories added under the Second Schedule to the Central Act 56 of 1959, has been repealed by Tamil Nadu (Added Territories Extension of Laws) Act, 1964 (7 of 1964).

24. Documents executed by several persons at different times.—Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

25. Provision where delay in presentation is unavoidable.—(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in ¹[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

STATE AMENDMENT

Rajasthan:

In section 25—

- (a) in sub-section (1), for the word "Registrar", substitute the words "Registering Officer", for the words "direct that", substitute the words "register the document" and for the words "such document shall be accepted for registration", substitute the words "on such document"; and
- (b) omit sub-section (2).

[*Vide* Rajasthan Act 18 of 1989, sec. 3 (w.e.f. 18-9-1989).]

26. Documents executed out of India.—When a document purporting to have been executed by all or any of the parties out of ¹[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

- (a) that the instrument was so executed, and
- (b) that it has been presented for registration within four months after its arrival in ¹[India],

may, on payment of the proper registration-fee accept such document for registration.

27. Wills may be presented or deposited at any time.—A will may at any time be presented for registration or deposited in manner hereinafter provided.

1. Subs. by Act 3 of 1951, sec. 3. and Sch., for "the States" (w.e.f. 1-4-1951).