

**PART VII**  
**OF ENFORCING THE APPEARANCE OF**  
**EXECUTANTS AND WITNESSES**

**36. Procedure where appearance of executant or witness is desired.**—If any person presenting any document for registration or claiming under any

1. Added by Act 13 of 1926, sec. 2.
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Subs. by the A.O. 1937, for "Local Official Gazette".

document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the <sup>1</sup>[State Government] directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

#### STATE AMENDMENTS

##### Gujarat:

Same as in Maharashtra.

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

##### Maharashtra:

In section 36, for the words "may, in his discretion", substitute the words "in his discretion, may, upon receipt of the prescribed fee, issue or may"; and after the word "issue", insert a comma.

[Vide Bombay Act 5 of 1929, sec. 6 (w.e.f. 22-5-1929) read with Bombay Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

**37. Officer or Court to issue and cause service of summons.**—The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the 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.