

## Registration Act, 1908

### Section 45 - Proceedings on Death of Depositor

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(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

##### 1 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.

##### 2 Karnataka:

Amendments to section 45 are the same as in Kerala.

##### 3 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".

##### 4 Orissa:

Amendments to section 45 are the same as in Kerala.

##### 5 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.

##### 6 Tripura:

Amendments to section 45 are the same as in Kerala.

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.

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1. Vide Goa Act 24 of 1985, section 3 (w.e.f. 5-12-1985).
  2. Vide Karnataka Act 55 of 1976, section 4 (w.e.f. 24-10-1976).
  3. Vide Kerala Act 7 of 1963, section 5 (w.e.f. 22-2-1968).
  4. Vide Orissa Act 14 of 1989, section 4 (w.e.f. 19-9-1989).
  5. Vide Pondicherry Act 17 of 1970, Schdule Item (1) (w.e.f. 1-11-1970).
  6. Vide Tripura Act 7 of 1982, section 4 (w.e.f. 1-1-1983).
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