

Registration Act, 1908

Section 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

¹Goa:

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.

²Karnataka:

Amendments to section 46 are the same as in Kerala.

³Kerala

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".

⁴Orissa:

Amendments to section 46 are the same as in Kerala.

⁵Pondicherry:

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.

⁶Tripura:

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

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.

1. Vide Goa Act 24 of 1985, section 4 (w.e.f. 5-12-1985).

2. Vide Karnataka Act 55 of 1976, section 5 (w.e.f. 24-10-1976).

3. Vide Kerala Act 7 of 1968, section 6 (w.e.f. 22-2-1968).

4. Vide Orissa Act 14 of 1989, section 5 (w.e.f. 19-9-1989).
 5. Vide Pondicherry Act 17 of 1970, Sch edule Item 2 (w.e.f. 1-11-1970).
 6. Vide Tripura Act 7 of 1982, section 5 (w.e.f. 1-1-1983).
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