SooperKanoon - India's Premier Online Legal Search (sooperkanoon.com)

Source : sooperkanoon.com/act/3159/

Registration Act, 1908

Part X - Of the Effects of Registration and Non-registration

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.

Section 48 - Registered documents relating to property when to take effect against oral agreements

---

All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any order agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession [1][and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882 (4 of 1882), shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

---

1. Added by Act 21 of 1929, section 10.

Section 49 - Effect of non-registration of documents required to be registered

---

No document required by section 17[1][or by any provision of the Transfer of Property Act, 1882 (4 of 1882)], to be registered shall--

(a) affect any immovable property comprised therein, or

(b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered:

[1][Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877)[2],[3][***] or as evidence of any collateral transaction not required to be effected by registered instrument.]

STATE AMENDMENT

[4]Uttar Pradesh:

In section 49,--

(i) in the first paragraph, after the words "or by any provision of the Transfer of Property Act, 1882" insert the words "or of any other law for the time being in force",

(ii) substitute clause (b) as under:

"(b) confer any power or create any right or relationship, or",

(iii) in clause (c), after the words "such power", insert the words "or creating such right or relationship",

(iv) in the proviso, omit the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or".

---

1. Added by Act 21 of 1929, section 10.

2. Now see the Specific Relief Act, 1963 (47 of 1963).

3. Certain words omitted by Act 48 of 2001, section 6 (w.e.f. 24-9-2001).

4. Vide Uttar Pradesh Act 57 of 1976, section 34 (w.e.f. 1-1-1977).

Section 50 - Certain registered documents relating to land to take effect against unregistered documents

---

(1) Every document of the kinds mentioned in clauses (a), (b), (c), and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

Explanation.-- In cases, where Act No. 16 of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 1971), or the Indian Registration Act, 1877 (3 of 1977), or this Act.

STATE AMENDMENTS

[1]Andhra Pradesh:

In section 50, in sub-section (1), for the expression "clauses (a), (b), (c) and (d) of section 17", the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17" shall be substituted.

[2]Pondicherry:

For Explanation to section 50, substitute the following, namely:--

"Explanation.--"Unregistered" means not registered according to any law in force before the 9th day of January, 1969 or this Act."

[3]Uttar Pradesh:

In section 50,--

(i) in sub-section (1) after the words, figures and letters "and clauses (a) and (b) of section 18", insert the words "as these clauses stood before their omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976",

(ii) in sub-section (2), after the words and figures "proviso to sub-section (1) of section 17", insert the words and figures "as the proviso stood before its omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976".

---

1. Vide Andhra Pradesh Act 4 of 1999, section 6 (w.e.f. 1-4-1999).

2. Vide Pondicherry Act 17 of 1970, section 3 (w.e.f. 1-11-1970).

3. Vide Uttar Pradesh Act 19 of 1981, section 9 (w.r.e.f. 1-8-1981).