

Subject : Various provisions relating to execution and registration of documents.

Sub-Topics.

1. Meaning of execution.
2. Meaning of attestation.
3. Categories of documents requiring compulsory registration.
4. Purpose of registration of documents.
5. Admissibility of unregistered documents, which requires compulsory registration.
6. Evidentiary value of insufficiently stamped documents.
7. Presumptive value of registered document.
8. Certified copies of registered document.

Introduction :-

The Registration Act is one of the oldest legislations made during pre-Independence period that are being implemented in almost all parts of the country without altering substantially for more than last 100 years. The Registration Act, 1908 is having object of proper recording and registration of documents, which

give them more authenticity. Registration means recording of the contents of a document with a Registering Officer and preservation of copies of original documents. Documents are registered for the purpose of conservation of evidence, assurance of title, publicity of documents and prevention of fraud.

The transfer of a immovable property is a major cause of litigation. Many times, the dispute arises due to the fact that the document, by which title is transferred, was not registered/ not sufficiently stamped. Hence, the Registration Act and Transfer of property Act deals with the manner in which the title in the property can be transferred. An important aspect of execution of a document is attestation of the document. Similarly, section 17 of Registration Act provides the list of documents which require compulsory registration. The paper also deals with the purpose of registration of documents, evidentiary value of unregistered document/insufficiently stamped document and the effect of non-registration of documents which require registration .

1. **Meaning of execution.**

The Oxford dictionary meaning of word 'Execution' is the action of executing a plan, order, or a legal instrument. Execution means the accomplishment of a thing, the completion of an act or instrument. Hence, the plain meaning of the word 'Execution' is the process of completion or accomplishment of an act. Here, we have to see the meaning of the term 'execution' with regard to the documents in legal sense.

A reading of Section 68 of Evidence Act will show that 'attestation' and 'execution' are two different acts one following the other. There can be no valid execution of a document which, under the law, is required to be attested without the proof of its due attestation and if due attestation is not proved, the fact of execution is of no avail.

It is thus a settled legal position that merely admitting signature on the document does not amount to admission of execution of a document.

In law, the term 'execution' has not been defined specifically. In normal parlance, the execution of a document means signing the same. It has been observed in the case of **Bhavanji v. Devji(ILR(1894) 19 Bom 635** that, execution means signing, sealing and delivery of a document. The term may be defined as a formal completion of a deed. It is the last act or series of acts which complete it. It has been held in **State of Orissa v. Khetra Mohan Singh(AIR 1965 ORISSA 126)** that, the execution of document means that the executant must have signed or put his thumb impression, only after the contents of the document have been fully stated and read by the executant before he put his signature thereon. Mere admission of the initial by the executent would not tantamount to an admission of the document.

In **Dattatraya vs. Rangnath Gopalrao Kavthekar, AIR 1971 Supreme Court 2548**, it was observed that ordinarily, no one is expected to sign a document without knowing its contents, but if it is pleaded that the party who signed the document did

not know the contents of document then, it may, in certain circumstances, necessary for the party seeking to prove the document, to place material before the court, to satisfy it that, the party who signed the document had the knowledge of its contents.

Execution of a document is to be proved by admissible evidence i.e.

1. admission, by a signatory to the document, of its execution (Section 58 of Indian Evidence Act.).
2. Examination of the scribe (Section 67).
3. Examination of an attesting witness (Sections 67 & 68).
4. By proof of signature and handwriting of a person, who is alleged to have signed or written the document produced (Section 67)
5. By proof of digital signature (Section 67-A).
6. By opinion as to, or comparison of, signature, writing or seal with others admitted or proved documents. (Section 45)
7. Proof as to verification of digital signature (Sec.73A).

2. **Meaning of attestation.**

According to section 3 of Transfer of Property Act 1882, term “attested”, in relation to an instrument, means and shall be deemed always to have meant attested by two or more witnesses, each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in

the presence and by the directions of the executant, or has received from the executant, a personal acknowledgment of his signature or mark, or of the signature of such other person, and each of whom has signed the instrument in the presence of executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary.

It is essential that the witness should have put his signature “*ammo attestandi*” i.e. for the purpose of attesting that he has seen the executant sign or has received from him a personal acknowledgement of his signature. If a person puts his signature on the document for some other purpose, e.g to certify that he is scribe or an identifier or a registering officer, he is not an attesting witness. (M.L.Abdul Sahib vs H B Venkata Sastri AIR 1969 SC 1147.)

In *Ishwar Das Jain Vs. Sohan Lal AIR 2000 Supreme Court 426* it was held that, the mode of proof of document required to be attested is contained in sections 68 to 71 of the Evidence Act. Under Section 68, if the execution of document requires to be attested is to be proved, it will be necessary to call an attesting witness, if alive and subject to the process of the court and is capable of giving evidence. But in case the document is registered, then except in the case of a will, it is not necessary to call an attesting witness, unless the execution has been specifically denied by the person by whom it purports to have been executed.

The attestor must be independent. In case of *Kumar*

Harish Chandra Singh Deo and another Vs. Bansidhar Mohanty and others AIR 1965 Supreme Court 1738, it is held that a party to an instrument cannot be a valid attesting witness, as such, party cannot attest its own signature.

3. **Categories of documents requiring compulsory registration.**

Section 17 of Registration Act 1908 gives the list of documents requiring compulsory registration. It runs thus-

(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No.XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1887 or this Act came or comes into force, namely :-

- a) instruments of gift of immovable property;
- b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees, and upwards, to or in immovable property;
- c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- d) leases of immovable property from year to year, or for

any term exceeding one year, or reserving a yearly rent;

(e) non-testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property,

Provided that the State Government may, by order published in the Official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rent reserved by which do not exceed fifty rupees.

Sub section 2 gives the list of documents which do not require registration.

As per section 3 of Registration(Maharashtra Amendment) Act 2010 following clauses are added after clause (e) of section 17(1) of the Registration Act providing for registration of documents mentioned therein,

(f) Agreement relating to deposit of title deeds, where such deposit has been made by way of security for the repayment of a loan or an existing or future debt

(g) sale certificate issued by competent officer or authority under any recovery Act

(h) irrevocable power of attorney relating to transfer of immovable property in anyway, executed on or after the

commencement of Registration(Maharashtra Amendment) Act 2010.

Section 17 (1) (1A) : The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53-A of the transfer of Property Act, 1882 shall be registered if they have been executed on or after the commencement of the registration and other related law (Amendment) Act, 2001, and if such documents are not registered on or after such commencement then, they shall have no effect for the purposes of the said Section 53-A.

The documents registrable under the Act fall under three categories. In the **first category**, documents relating to transactions which, according to the substantive law, can be effected only by registered documents. The Registration Act does not lay down that any transaction, in order to be valid, must be effected by a registered instrument only. What it provides is that when there is a written instrument evidencing a transaction, it must, in certain cases, be registered. Sale deeds, Mortgages, Exchanges, Gifts and Leases under Transfer of Property Act, 1882 are required to be effected only by registered instruments subject to an exception in case of some transactions relating to immovable property of less than ₹ 100/- in value. Under section 17 of the Registration Act, the list of compulsorily registrable documents are given.

Second category: Certain transactions can be effected without writing, i.e. partitions, releases, settlements etc. But, if the transaction is evidenced by a writing and relates to

immovable property, the Registration Act steps in and clauses (b) and (c) of Section 17(1) of said Act require registration of such documents, subject to the exception specified in sub-section 2 of that section. If an authority to adopt is conferred in writing, other than a Will, it is also required to be registered vide section 17(3).

Third category: It is open to the parties, if they so choose, to get certain documents registered at their option and this is permitted by section 18. 'Will' need not be registered but it is open to the parties to get it registered under the third category.

In Naginbhai P. Desai V/s Taraben A. Sheth, A I R 2003 Bom. 192 it is held that the agreement for sale cannot be treated as conveyance for the purpose of Indian Registration Act, 1908. There is no force in contention that agreement for sale was compulsorily registrable under Clause (b) to sub-section (1) of Section 17 of the Registration Act.

Power of Attorney :

In Syed Abdul Khader V/s Rami Reddy, (1980) 2 S C C 601, it is held that power of attorney need not be compulsorily registered.

In Kashi Natsha V/s Narsingsha, A I R 1961 S C 1077 it is held that record of partition already made earlier needs no registration compulsorily.

The Registration (Maharashtra amendment) Act, 2010 which came into force w.e.f. 01-03-2013 has inserted section 89(A) in the Registration Act. It provides that (1) every court passing- (a) any decree or order creating, declaring, transferring,

limiting or extinguishing any right, title or interest to or in immovable property in favour of any person, or (b) an order for interim attachment or attachment of immovable property or for the release of any immovable property from such attachment, shall, in accordance with the rules made in this behalf, send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction, the whole or any part of the immovable property comprised in such decree or order is situated, and such officer shall file the copy of the memorandum in his Book No.1.

Due to this amended section, (i) any decree or order effecting an immovable property or (ii) any order of attachment of immovable property or release from any such attachment, the court passing such decree/order is required to send a copy of such decree/order along with a memorandum describing attached/affected released property, to the registering officer (having jurisdiction over the immovable property). This would mean that all ad-interim and interim orders of attachment by any of the competent courts with respect to any immovable property would be required to be registered.

In *Bhoosing Vs. Ramsing Major AIR 1996 Supreme Court 196* it was held that “ a compromise decree, creating, right, title or interest in immovable property valuing more than Rs. 100/- in favour of any party to the suit for the first time must be registered.

4. **Purpose of registration of documents :**

According to section 3 explanation 1 of Transfer of Property Act 1882, where any transaction relating to immovable property is required by law to be and has been effected by a registered instrument, any person acquiring such property or any part of, or share or interest in, such property shall be deemed to be have notice of such instrument as from the date of registration or, where the property is not all situated in one sub-district, or where the registered instrument has been registered under subsection (2) of section 30 of Indian Registration Act 1908, from the earliest date on which any memorandum of such registered instrument has been filed by any Sub-Registrar within whose sub-district any part of the property which is being acquired, or of the property wherein a share or interest is being acquired, is situated .

The purposes of Registration Act are as follows:

- i) To provide information to people, who may deal with property, as to the nature and extent of the rights which persons may have affecting that property.
- ii) To enable people to find out whether any particular piece of property, with which they may be concerned, has been made subject to some particular legal obligation.
- iii) To prevent fraud.
- iv) To prevent forgeries and procurement of conveyances, mortgages by fraud or undue influence.
- v) The real purpose of registration is to secure that every

person dealing with property, where such dealings require registration, may rely with confidence upon the statements contained in the register as full and complete account of all transactions by which his title may be affected, unless indeed he has actual notice of some unregistered transaction which may be valid apart from registration.

The Honble Apex Court in Suraj Lamp vs State of Haryana, AIR 2012 SC 206, in para 10, has made certain observations which deal with purpose of registration of documents. Those observations are as follows:

“ 10. In the earlier order dated 15.5.2009, the objects and benefits of registration was explained and we extract them for ready reference:

The Registration Act, 1908, was enacted with the intention of providing orderliness, discipline and public notice in regard to transactions relating to immovable property and protection from fraud and forgery of documents of transfer. This is achieved by requiring compulsory registration of certain types of documents and providing for consequences of non-registration.

Section 17 of the Registration Act clearly provides that any document (other than testamentary instruments) which purports or operates to create, declare, assign, limit or extinguish whether in present or in future "any right, title or interest" whether vested or contingent of the value of Rs.100 and upwards to or in immovable property shall be registered..

Section 49 of the said Act provides that no document required

by Section 17 to be registered shall, affect any immovable property comprised therein or received as evidence of any transaction affecting such property, unless it has been registered. Registration of a document gives notice to the world that such a document has been executed.

Registration provides safety and security to transactions relating to immovable property, even if the document is lost or destroyed. It gives publicity and public exposure to documents thereby preventing forgeries and frauds in regard to transactions and execution of documents. Registration provides information to people who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property. In other words, it enables people to find out whether any particular property with which they are concerned, has been subjected to any legal obligation or liability and who is or are the person/s presently having right, title, and interest in the property. It gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. It ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under the said Act) as a full and complete account of all transactions by which the title to the property may be affected and secure extracts/copies duly certified.

Registration of documents makes the process of verification and certification of title easier and simpler. It reduces disputes and

litigations to a large extent.”

5. **Admissibility of unregistered documents which require compulsory registration :**

Order XIII Rule 3 of the Code of Civil Procedure provides that, the court may, at any stage of the suit, reject any document which it considers irrelevant or otherwise inadmissible.

The main provision in section 49 of the Registration Act provides that any document which is required to be registered, shall not affect any immovable property comprised therein nor such document shall be received as evidence of any transaction affecting such property. The proviso would show that an unregistered document affecting immovable property and required by the Registration Act or the Transfer of Property Act, to be registered may be received as an evidence to the contract in a suit for specific performance or as evidence of any collateral transaction. Therefore, an unregistered sale deed of an immovable property of value of Rs.100/- and more could be admitted in evidence as evidence of any collateral purpose.

In **K.B. Saha and Sons Pvt. Ltd. vs. Development Consultant, 2008 8 SCC 564**, Hon'ble Apex Court, from the principles laid down in the various decisions, culled out following principles:-

1. A document required to be registered, if unregistered, is not admissible in evidence under Section 49 of the Registration Act.

2. Such unregistered document can be used as an evidence of collateral purpose as provided in the Proviso to Section 49 of the Registration Act.
3. A collateral transaction must be independent of, or divisible from, the transaction of which, the law required registration.
4. A collateral transaction must be a transaction not itself required to be effected by a registered document, that is, a transaction creating any right, title or interest in Immovable property of the value of one hundred rupees and upwards.
5. If a document is inadmissible in evidence for want of registration, none of its terms can be admitted in evidence and that to use a document for the purpose of proving an important clause would not be using it as a collateral purpose.

In case of *Himendra Rasiklal Ghia V/s Subodh Modi, 2008(6) Mh.L.J. 886* it is held that in case of unregistered document which requires compulsory registration is inadmissible in evidence.

In case of *Bajaj Auto Limited Vs Behari Lal Kohli (1989) 3 SCR, 730* it was held that, if a document purporting to create a lease is inadmissible in evidence for want of registration, none of the terms of the lease can be admitted in evidence and that to use a document for the purpose of proving an important clause in the lease is not using it as collateral purpose.

In **Anthony vs. K.C. Ittoop and Sons and others, AIR 2000 SC 3523**, Hon'ble Supreme Court has considered collateral effects of unregistered lease deed. It was held that such a lease deed had caused two consequences, (1) that no lease exceeding one year was created, (2) instrument became useless so far as creation of the lease was concerned. Nonetheless, the presumption that the lease is not exceeding one year stood created by conduct of parties remains unrebutted.

A relinquishment deed is compulsorily registerable document U/sec. 17(b) of Registration Act, 1908 and hence the unregistered document is not admissible in evidence. S.17(1)(b) of the Registration Act mandates that any document which has the effect of creating and taking away the rights in respect of an immovable property must be registered and S.49 of the Act imposes bar on the admissibility of an unregistered document and deals with the documents that are required to be registered u/sec. 17 of the Act.

Section 49 of Registration Act provides effect of non registration of document required to be compulsorily registered. It provides for using such unregistered document for collateral purpose.

In **Ramlaxmi Vs Bank of Baroda, AIR 1953 Bombay 50**, it was held that collateral transaction means ancillary or subsidiary transaction to main or principal transaction and collateral purpose means bringing in existence collateral transaction.

In short, a document required to be registered is not

admissible in evidence even under section 49 of the Registration Act. Such unregistered document can however be used as an evidence of collateral purpose transacting collateral transactions which are independent, divisible and which need no registration.

6. **Evidentiary value of insufficiently stamped documents:**

The object of Bombay/Maharashtra Stamp Act 1958 is to collect stamp duty on an instruments which are made chargeable with duty.

Impound means to keep in custody of the law. Section 33 provides for examination and impounding of documents. According to said section, every person having by law or consent of parties authority to receive evidence, and every person in-charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance in his functions shall, if it appears to him that such instrument is not duly stamped, impound the same. On impounding and payment of insufficient stamp with penalty the document can be admitted in evidence.

In **Thippareddy Obulamma vs. Balu Narasimhulu, AIR 2003 A.P. 525**, following propositions of law are stated with regard to unstamped or understamped or unregistered documents.-

a] An unstamped or insufficiently stamped document is inadmissible in evidence ;

b] As per proviso to Section 49 of the Registration Act,

an unregistered document affecting immovable property and required to be registered can be received as evidence either in cases referred to therein or for collateral transaction.

c] An unstamped or insufficiently stamped document coupled with the infirmity of being unregistered can be received as evidence for a collateral purpose, provided the first defect under the Stamp Act is corrected. In other words, on unstamped or insufficiently stamped document, after being duly impounded under the law, can be relied upon for collateral purpose. Aforesaid observations are also found in **Pandurang Dharmadhikari vs. Kusumtai 2014 6 BomCR 643** .

However, in another decision reported in the matter of **Mahendra Madhav vs. Kailas Bhauraoji, 2014 (5) Mah L.J. 807**, having referred to Sec. 36 of the Bombay Stamps Act, 1958, it was held that once the insufficiently stamped document has been admitted in evidence; admission cannot be called in question at any stage of the same suit or proceeding on the ground that instrument has not been duly stamped.

In case of **Conwood Agencies Pvt. Ltd., Vs. Namdeo Pandurang Panchal (2005) 107 Bombay Law Reported 319** it was observed that sub-section 1 of section 37 provides that, the court has power to admit the document in evidence if the party producing the same would pay the stamp duty together with a penalty as provided by section 34 or duty as provided by section 36. On compliance, it is requisite to forward a copy of the document along with the amount collected to the Collector. But if party refuses to pay the aforesaid amount, the court has to

impound the document and forward the same to the Collector as provided under section 37 of said act. On receipt of the document, it is for the Collector to make inquiry and do the needful.

In case of *Yellapu Uma Maheshwari and another Vs. Budha Jagadheeswarao and others 2015 STPL (Web) 2514 S.C. (D.B.)* it was held that an unregistered document can be relied upon for collateral purpose i.e. severance of title, nature of possession of various shares etc on payment of requisite stamp duty and the penalty.

However, photocopy of the document, though offered to be impounded with showing readiness to pay the deficit and penalty, it cannot be termed as an instrument and section 33 of the Stamp Act cannot be made applicable to the same. [*Gayabai Vs. Hiralal 2011 (4) Mh.L.J.798*]. In *Farook vs Kadeer Meman 2016(1) Mh.L.J 867*, it is held that, when document was produced in evidence by plaintiff, objection as to admissibility of document can be raised when document is tendered in evidence and not after same is marked as exhibit.

7. ***Presumptive value of registered document :***

If an unstamped or insufficiently stamped document is received in a particular set of proceedings, before an adjudicatory authority, its admissibility cannot be questioned at a later point of time.

Proviso to Section 49 of the Registration Act permits of an unregistered document to be received in evidence, for collateral

purposes; such a facility is not created under Stamp Act and it was held in number of cases that an unstamped or insufficiently stamped document or instrument cannot be received in evidence even for collateral purposes.

If an unregistered document is received as evidence, the parties to the suit or proceeding can always urge at the time of final hearing regarding the admissibility of the document. But, in the case of improperly stamped or unstamped document being offered as evidence in a suit, the Court has to necessarily decide as and when objection is raised because, when once unstamped document is admitted in evidence, at a later stage, the question of inadmissibility cannot be raised.

In the case of **Vimalchand Jain ..vs... Ramakant Jadoo reported in 2009 (5) SCC 713**, it is held that a registered deed of sale carries presumption that the transaction was a genuine one. If the execution of sale deed is proved, onus is on the other side to prove that the deed was not executed and it was a sham transaction. Thus, the burden to prove that it is not genuine lies on the person who alleges that it is not so.

Thus, the registration by itself, in all cases, is not proof of execution; but, if no other evidence is available, the certificate of registration is prima-facie evidence of its execution and the certificate of the Registering Officer u/s.60 of the Registration Act is relevant for proving the execution. Ref - **Irudayam Ammal vs Salayath Mary, AIR 1973 Mad. 421**,

In **Kashibai Martand -Vs- Vinayak Ganesh reported in**

AIR 1956 BOM 65 the Hon'ble High Court has observed that, Section 58 of the Registration Act provides for particulars to be endorsed on documents admitted to registration. Under Sub-section (1) of this section, on every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under Section 39, there shall be endorsed, from time to time, the particulars mentioned in Clauses (a), (b) and (c) of the said sub-section. Under Clause (a), the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assignee or agent of any person, the signature and addition of such representative, assignee or agent, is required to be endorsed. Under Clause (c) of the said sub-section, any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution, is required to be endorsed. Clause (b) deals with the signature and addition of every person examined in reference to such document under any of the provisions of the Act.

Proviso to Section 68 of the Indian Evidence Act provides that, except for proving Will, there is no need to call attesting witness for proving of document which is duly registered. Section 114(e) and (f) raise presumption that all the requisite procedure for registration of document, as laid down by Registration Act, is duly complied with when document so registered is produced on

record. A registered adoption deed offers a presumption that the adoption is valid. However, it is also made clear that such presumption is rebuttable.

8. **Certified copies of registered documents :**

Section 74 of Indian Evidence Act defines public documents. Section 75 defines private documents. Section 77 provides for production of certified copy of public document for proving its contents. However, private documents though kept in public record as contemplated under section 74(2) have to be proved like private document. However, in view of section 60 of the Registration Act, endorsement made by registering officer on such registered document has presumptive value.

Section 65 (c) (e) of the Evidence Act provides that secondary evidence can be given relating to documents which have been destroyed or lost or which are public documents within the meaning of Section 64 of the Evidence Act.

In view of Section 60 (2) of the Registration Act, once the certificate was issued, sealed and dated by the Registering Officer and certified copy along with the sale-deed was obtained and filed, it would certainly be admissible in evidence for the purpose of proving that the document has been duly registered in the manner provided by the Registration Act.

In **Kalyan Singh V/s Chhoti, A I R 1990 S C 396** it was held that when the document is registered, the ordinary copy is not admissible as secondary evidence. So, only certified copy of registered copy is to be admitted as secondary evidence in

absence of the original deed.

However, law does not say that a certified copy of a registered agreement of sale is inadmissible in evidence; unless parties to the documents are examined to prove it. (**State of Haryana vs. Ram Singh, AIR 2001 S.C. 2532.**) A certified copy of a registered sale deed is admissible in evidence and does not require to be proved by calling a witness. **Ramappa vs. Bojappa, AIR 1963 S.C. 1633.**

Conclusion :

The Registration Act, unlike the Transfer of property Act, 1882, strikes only at documents, and not at transactions. In the same way, the Registration Act does not require that every transaction affecting immovable property should be carried out only through a registered instrument. All that it enacts is that, when a document is employed to effectuate any of the transaction specified in section 17 of the Registration Act, such document must be registered. An unregistered document can be used for collateral purposes as provided by section 49 of the Act. The objection regarding admissibility of instrument not duly stamped has to be decided then and there when the document is tendered in evidence and before it is marked as an Exhibit in the case. Both the enactments aim at protecting the civil rights of parties executing documents.

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects

all indirectly.”

Martin Luther King., Jr.

With this we conclude the paper.

(S.D.Jagmalani)
District Judge-1,Latur

(P.K.Sharma)
District Judge-,3,Latur

(S.M.Yallatti)
Adhoc District Judge-,Latur

(Smt. Kanakdande)
Jt.CJSD,Latur

(A.K.Deshmukh)
Jt. CJJD,Latur