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BE No. 24251/78 LRA dt 30.1.80

P10/77 SRO Tirur

On a reference received under Section 24(2) of the S.A, the District Registrar Malappuram, the Board in its proceedings read as second paper above had held that doc No P10/77 of SRO Tirur was a gift deed falling under Art 31 of the S.A.

The Board earlier held the view that since claimant could not be said to be dependent on the settlor, the doc had to be treated as a gift.

The earlier stand taken by the Board does not appear to be correct. As per Section 29(11) of the K. S.A, disposal of property among settlor's family or for those for whom the settlor desires to provide or for the purpose of providing for some person dependent on him is settlement. Providing for dependent is only one of the three alternatives. Dependence is not necessary for the other two alternatives. In this case the settlor is giving property to her grand children. Desire to provide for grand children is understandable and acceptable. So this doc has to be treated as a settlement.

The Board's proceedings read as second paper above is withdrawn.

Sd/- Secretary