

The Delhi Registration Rules, 1976

DELHI

India

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Rule THE-DELHI-REGISTRATION-RULES-1976 of 1976

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The Delhi Registration Rules, 1976 Published vide Notification No. F.I. (13) Regn. 75-76, dated 13th August, 1976.

1. Short title and commencement.

(1) These Rules may be called the Delhi Registration Rules, 1976. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

-In these Rules, unless the context otherwise requires, various definitions, terms, references used herein, shall have the same meaning as assigned to them under the Registration Act, 1908 and all other relevant enactments referred to herein. Custody and Preservation

3. Responsibility for preservation and safe custody of records.

-Registering Officers shall be responsible for the preservation and safe custody of all registration records, which have accumulated in their offices or have been transferred thereto. This responsibility applied not only to the registers and records maintained under the Indian Registration Act, 1908 (XVI of 1908), but also to those under the previous Indian Registration Act, III of 1877, VIII of 1871, and XX of 1866, including those records which were being maintained under local Rules before the extension of the last mentioned Acts, to the Union Territory of Delhi, which was formerly a part of Punjab.

4. Provisions for keeping of documents of permanent value.

-The Offices of all Registering Officers shall be supplied with almirahs and steel racks in which Books and all papers and documents connected therewith of permanent value shall be kept and no

money or valuables of any kind shall be kept therein.

5. Examination of records.

-To prevent injury occurring to the older records by damp, white ants, etc. the almirahs and steel racks shall be thoroughly examined once in six months and all Sub-Registrars shall submit immediately thereafter a certificate to the Registrar and Inspector General of Registration to the effect that records in their charge have been examined. If any injury happens to any of the records, whether by white ants, fire, rain, water or otherwise, or if any of them be lost, an immediate report shall be made to the Registrar and Inspector General of Registration. The Registrar shall record at the same time his opinion as to whether anyone, and if so, who is to be blamed, and also the measures to be taken to repair the injury or loss so far as may be possible and send a report to the Inspector General of Registration.

6. Preservation of Wills and authorities to adopt.

-(i) The Registrar shall be supplied either with a fire proof Safe or Almirah. In the Safe or Almirah shall be kept Wills in sealed covers and authorities to adopt, which were deposited under the provisions of various Indian Registration Acts, which were enforced from time to time and may be presented for deposit under the provisions of present Indian Registration Act, 1908. It shall not be used for any other purposes whatsoever. The key of Safe or Almirah shall remain in the personal custody of the Registrar, who alone shall open and close it. The Safe or Almirah shall be placed at such place where it is not possibly effected by dampness and it shall be opened and examined atleast once in three months to ascertain that its contents are in good condition, and that the lock is in order.(ii)If any Will through age and dampness is subject to decomposition in such a way that it appears likely to become useless, the depositor or his legal representative in case the depositor is dead, shall be called upon to replace it and inform that unless he does so, it will be destroyed when no longer legible. Such destruction shall be carried out in the presence of Registrar, who shall record a note thereof in his own hand writing in the register.(iii)When several Wills are kept together, arranged one above the other, seals are apt to wear out and the inscription thereon to become effected owing to constant contact. to prevent such damage, these covers shall, before they are deposited in the Safe or Almirah, be placed in other transparent covers with eyeletted flaps and a string should be passed through the eyelets and tied and sealed with the Registrar's private seals. The outer cover shall not be opened unless an occasion arises for the opening of the inner sealed cover for its removal to court.

7. Safe Custody of the records.

-All the records of permanent nature in the Registration Offices shall be kept in the safe custody of the Registering Officers in their respective District or at such other place and under the charge of an officer not below the rank of Sub-Registrar, as the Inspector General of Registration, may decide to nominate in this behalf.

8. Catalogue of permanent records.

-A catalogue shall be maintained in every Registration Office of a permanent record yearwise in the following proforma :Book or Index No

S.No.	Vol. No.	Date of commencement	Date of Completion	Date of despatch Central Record Room	Signature Registering Officer	Remarks
Date	Date					
Month	Month	Date Month Year				
Year	Year					

9. Transfer of records to Central Records Office.

-When a Central Record Office has been set up, all the records of permanent nature of Registration Offices of more than three years old or of such period as the Inspector General of Registration, Delhi, may approve, shall be transferred to it at the beginning of each calendar year. One copy of invoice shall, after careful verification, be receipted and returned to the office from which it was received. Despatching official will be responsible to secure packing of records and he shall take every precaution to ensure that no loss or damage is done to the record in transit.

10. Inspection of registers, etc. by applicants under section 57.

-Inspection of registration Books and Indexes allowed to applicants under section 57 of the Act shall be made in the presence of some responsible official. Such person shall not carry any pen/ink/ball-point pen nor shall he be allowed to take notes with such material.

11. Production of registers, etc. in Courts.

-If the production of a register, book or of any document in the custody of Registration Officer is required by any court, it shall be first entered in the "Movement Register" which shall be maintained in the form (Appendix I) by each Registering Officer in his Sub-District and the same be forwarded to the Court under the charge of a responsible official of the Registration Office.

12. Consecutive numbers to be by the calendar year-Certificate at the close of year.

-The consecutive number of copies of documents in each Book prescribed in section 53 of the Act shall commence and terminate with the calendar year and the Registering Officer shall certify after the last copy of each volume, the number of copies pasted in that volume and the number of pages on which they are written; he shall also examine these entries and note in a certificate any errors or defects that he may discover. If no copies have been pasted during the year in any volume, he shall certify to that effect.

13. Book No. I or Additional Book No. I.

-Book I or Additional Book I and the Indices relating to it shall be opened to public inspection and copies of the documents entered/pasted in them shall be given to all person on payment of the prescribed fees. In Additional Book shall be pasted all documents registered under sections 17 and 18 of the Act which related to immoveable property and are not Wills.

14. Reference to other documents affecting the same property.

-When a document is registered in Book No. I or Additional Book No. 1 affecting some other document previously registered in it, a note referring to the later document shall be made along with the other endorsements provided by the Registration Act.

15. Supplementary Book No. I.

(1) Besides the ordinary pasting in Book No. I, the Act requires that the following documents shall be filed in Book No. I or Additional Book No. 1: (a) Copies of maps and plans (section 61); (b) Copies of memoranda of documents received from other Registering Officers (section 64). (2) To prevent injury to the binding and the disturbance of paging which would result if those documents were filed in the bound volumes, a separate file book called "Supplementary Book I" shall be kept in each office and in it the documents above mentioned shall be pasted. It shall contain printed slips paged in consecutive order and having columns headed as follows: (a) data of receipt of copy of memorandum; (b) date on which document was executed; (c) name and addition of executant. (3) As regards the copies of maps and plans, it will be sufficient to note thereon the registration number and date of registration of the documents to which they appertain, and the volume and page where the entry will be found, but all other copies and memoranda filed in this book shall be numbered consecutively and the necessary particulars shall be given on them in indices Nos. I and II. All documents shall be pasted immediately on receipt, otherwise there is danger of their being lost or injured. All notes recorded on the documents filed in this book shall be signed and dated by the Registering Officer. (In all cases the three printed columns on the paged slips shall be filled up). The certificate at the beginning and end of each volume prescribed in paragraphs 58 and 60 and the annual certificates prescribed in paragraph 61, must be recorded in this book in the same manner as in all the other registers.

16. Filing of translation and maps.

-When a document is registered under section 62 of the Act, a note of the Supplementary file book on which the translation and the copy have been filed shall be made. A similar note shall be made when a copy of a map or plan is pasted in Supplementary Book I under section 61.

17. Book II.

(1) Book II is open to public inspection, and copies of documents shall be given to all persons applying for them. In the event of the applicants being persons executing or claiming under the documents, registration of which has been refused, or their representative or agents, the copies shall be given free of charge (for copying) though the copy must be stamped. This Book shall contain the following headings: (i) Serial Number; (ii) Date of order of refusal; (iii) Name of person presenting document; (iv) Nature and volume of transaction; (v) Reasons for refusal; (vi) Remarks. (2) A brief description of the rejected documents is sufficient. (3) The record of the reasons for refusal should be sufficiently filled to enable an appellate or inspecting officer to judge their sufficiency, but need not contain a summary of any evidence which the registering officer may have taken, such evidence shall be recorded on separate sheets of papers and filed in the office. When a document, the registration of which was originally refused, is subsequently registered by order of Registrar under sections 72, 73 or 75 of the Act or of a Civil Court under section 77, a note of such order shall be made in column 6 of the register opposite the original record of the refusal. (4) In his copy of this Book, the Registrar, as required by section 76 of the Act, shall record his reasons not only for refusing to register a document but also for rejecting an appeal from the order of a Sub-Registrar subordinate to him.

18. Book No. III.

-Book III is not open to public inspection, nor are its indices, but copies of wills and authorities to adopt pasted in it shall, on payment of the prescribed fees, be given to the persons executing the documents to which such copies relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies. The necessary search to locate the document shall be made by the Registering Officer in person. When a Will entered in this Book affects immoveable property situated in District or Districts other than that where the entry has been made, no copy will be sent to the registering officers of those Districts or Sub-Districts. This register shall contain the same heading as Book I.

19. Book No. IV.

-Copies of all documents registered, under clauses (d) and (f) of section 18 which do not relate to immoveable property shall be pasted in Book No. IV. It is not open to public inspection, nor are its indices and copies of documents pasted in it shall be given, on payment of the prescribed fees only to the parties executing or claiming under the documents to which such copies relate, or to the agents or representatives of such persons. The necessary search to locate the documents shall be made, by the Registering Officer in person. The register shall contain the same heading as Book I.

20. Book No. V.

(1) Book V is to be kept only in the office of Registrar, who alone can receive Wills in sealed covers for deposit. It shall contain the following headings: (1) Serial Number; (2) Superscription on the sealed cover; (3) Description on the seal of the cover; (4) Time of presentation and receipt of the sealed cover,

year, month, day and hour;(5)Name of depositor;(6)Names of persons testifying to the identity of depositor;(7)Time of delivery of the sealed cover to applicant for withdrawal year, month, day and hour;(8)Names of persons testifying to the identity of the applicant and the time, of delivery;(9)Times of opening the sealed cover-year, month, day, hour.(2)Columns (1) to (6) shall be filled in when a Will is first deposited under section 43 of the Act. Columns (7) and (8) shall be filled up in the event of the Will being subsequently withdrawn, and column (9) shall be filled up when a Will is opened after the death of the testator, under section 45 or 46 of the Act. All these several entries must be verified by the signature of the Registrar for the time being. When a Will had been removed by order of a court under section 46 (1) of the Act the fact shall be noted in red ink across the entry and the note shall be authenticated by the signature of the Registrar.Indices

21. Indices to be prepared on printed forms.

-The current indices required by sections 54 and 55 of the Act to be maintained in every registration office shall be prepared on printed forms.

22. Index No. 1 maintained under section 55.

(1)Index No. I shall contain the following headings:(1)Name of the person;(2)Father's name;(3)Residence;(4)Profession, trade, caste;(5)Interest in the transaction, e.g. purchaser, mortgagee, etc;(6)No. of volume in which document is registered;(7)Pages of volume in which document is registered;(8)Reference (i.e. to initial letters of other indices relating to the same transaction).(2)This index shall contain the names and additions not only of the parties concerned in the documents pasted in Book No. I or Additional Book No. I but also of those concerned in the copies or memoranda of documents received from other registration offices, and filed under sections 64, 65, 66 and 67 of the Act as well as certificates of sale granted by Civil Courts under the Code of Civil Procedure or by Revenue Officer in regard to immoveable property sold by public auction which are filed under section 89 of the Act. In the case of such sale certificates the only names of persons that need be indexed are those of the judgment debtor as vendor and auction purchaser as vendee.

23. Index No. II.

(1)Index No. II shall contain the following headings: (1) Name of the city, town or village, etc;(2)Name of the parties;(a)Alienors;(b)Alienees;(3)Khasra No. and area with land revenue if the property has been surveyed;(4)Nature of the transaction (e.g. sale of land, lease of house, mortgage of land or house) with the amount of consideration;(5)Number of volume in which document is registered;(6)Page of volume in which document is registered;(7)Remarks.(2)A Sub-Registrar, on registering a document of the nature mentioned in section 64 or 65 of the Act, shall enter in this index particulars of only that portion of the property which is situated in his own Sub-District. A Registrar, on receiving a copy of document under sections 65, 66 or 67 of the Act, shall enter particulars only of the property situated in his own District. A Sub-Registrar, on receiving a memorandum of a document under sections 64, 65, 66, or 67 of the Act, as a copy of an order or certificate under section 89 of the Act shall enter the particulars of the property concerned in this

index.

24. Index No. III.

-Index No. III shall contain the same headings as Index No. I.

25. Index No. IV.

-Index No. IV shall also contain the headings prescribed for Index No. I.

26. Preparation of Indices.

- Index entries shall be made on the same day, if possible on which the document to which they relate is pasted in its proper Book and shall on no account be allowed to fall into arrears. They shall be made alphabetically on loose forms, a separate form being used for each letter of the alphabet.

27. Index sheets to be bound up annually.

- At the close of each calendar year, the loose index sheets in every office shall be bound into volumes of convenient size, care being taken that they be arranged in correct alphabetical order, and that the entries which under section 37 of the Act are open to public inspection (Index Nos. I.) and II) are bound separately from those which are not (Index Nos. III and IV).

28. Initial letters.

-The first letter of the person's name and not of his title or caste shall be guide to the letter under which the index entry is to be made. In the case of document in which the Government is concerned, index entry shall be made (amongst others) under the letter "G"/as the initial letter of Government. Entries regarding Companies Banks, etc., shall be made under the initial letter of the first word omitting the Article. Authentication of Register Books

29. Authentication of entries in Register Books.

-Every copy pasted in Book I or Additional Book I, III or IV shall be a carbon copy of the original and shall be carefully compared with it; all interlineations, blanks, erasures or alterations which appear in the original shall be shown in the copy pasted in the Book. The Registering officer shall satisfy himself that this has been done, verifying by his signature or initial. The Registering Officer shall also see that the copy has been pasted in the book to which it belongs, that the number offered to it is that which it ought to bear in order to maintain the consecutive series required by section 53 of the Act and that the book, the volume and the page entered in the certificate of registration are correctly stated. Copies of endorsements shall also be initialled and signed by the Registering Officer. A duplicate copy shall also be signed by the Registering Officer.

30. Hours allotted for registration to be notified.

-The registration hours shall be fixed by the Inspector General of Registration. The time so fixed shall be made known to the public and written notice of it shall be exhibited outside the Registration Office. The notice shall state the hours at which documents shall be received and returned daily.

31. Reception of documents for registration.

-At the hours appointed in the notice, the Registering Officer shall personally receive all documents for which registration is sought and have them examined in his own presence. Procedure of Acceptance

32. Payment of fees on acceptance.

-When a document is accepted for registration, each party shall be informed of the amount of fees he has to pay and, as soon as such fees are paid, the receipt prescribed in section 52 of the Act shall be given to him. At the same time, he shall be informed at about what hour the document will be returned to him, if it can be returned the same day, the hour in question shall be written on the receipt. If the document cannot be returned the same day, he shall be told on what date and at what time he should appear to claim it, and the date and at what time he should appear to claim it, and the date and time aforesaid shall be endorsed on the receipt. If in payment of the fees any party pays more than the exact amount due, the excess shall be returned to him. The endorsement required by section 52 of the Act shall be recorded and shall be signed by the Registering Officer and the presenter.

33. Enquiry as to execution, identity, etc.

-The Registering Officer shall then, with as little delay as possible, enquire whether the document was executed by the alleged executant, and satisfy himself as to the identity of the person appearing before him to admit execution. In cases of alienation, he shall satisfy himself of the identity not only of the alienor; but also of the alienee, if the latter is present. If the presenter is the executant, or his representative, assign or agent is present, the registering officer shall make the necessary enquiry at once. He should also require the presenter if an agent, to produce a power of attorney authenticated in the manner prescribed in section 33 of the Act if a representative or assign to produce evidence of his status.

34. Documents to be scrutinised and explained to executants.

-Every deed shall be subject to a thorough scrutiny with a view to ascertain whether it correctly represents the intention of the parties and the Registering Officer shall make sure that the person incurring liability knows the extent to which his rights are affected. Documents executed by persons who are unable to read shall be read out and if necessary explained to them and the Registering Officer shall ascertain that they clearly understand their purport. Documents written in language

which the executants do not understand shall in like manner be interpreted and explained.

35. Recording of endorsement under section 58.

-If execution by the alleged executant is admitted, and the Registering Officer is satisfied on the point of identity he shall record on the instrument the endorsement required by section 58 of the Act and such endorsement shall be signed by the Registering Officer, the executant and all the witnesses examined; but no such endorsement is necessary on a copy of a decree or order or of a certificate sent under section 89 of the Act.

36. Refusal to register to be made with caution.

-Orders refusing to register should be made only after due care and consideration, and if the impediment to registration is a mere informality or defect capable of remedy, opportunity should always be given to the parties to correct the flaw. In such cases registration shall be deferred, and no final order or refusal shall be made until the document concerned becomes time-barred.

37. Denial of receipt of consideration.

-If any person admits the execution of a document presented for registration, but denies the receipt in whole or part of the consideration recited therein, registration shall not be refused because of such denial, but a notice of the denial shall be made in the endorsement required by section 58.

38. When registration is admitted qua some, but refused qua other parties.

(1)When under section 35 of the Act, registration is admitted as to some of the parties to a document, but is refused as to the rest, the Registering Officer shall endorse thereon an order in this form "Registration refused as to A.B. and C.D." and shall record the reasons for this partial refusal in his Book II, but in all other respects he shall proceed with the registration of document in the ordinary manner.(2)If a document of which registration was refused qua some of the executants is subsequently registered against them under an order of the Registrar or a decree of a Civil Court it is not necessary to paste the copy in the registration book concerned, but the new endorsement and certificate recorded on the deed shall be made under the certificate previously made in the book.Procedure on Admission to Registration

39. Pasting of documents into Book.

-When a document has been admitted to registration and the necessary endorsements have been recorded, it shall be handed over to the duplicating clerk to copy out the endorsements on the duplicates and the Registering Officer shall see that no unnecessary delays occur, and that the documents are pasted in the books in the order of their admission. Thereafter, the several endorsements made in the office (including the certificate of registration prescribed by section 60 of the Act), the several signatures of the Registering Officer, presenter, executants and witnesses

examined shall all be copied on the duplicate at proper places.

40. Certificates of registration.

-After the documents have been endorsed by a certificate as required under section 60 of the Act, the same shall be pasted in the proper book. It shall be signed by the Registering Officer and sealed with the seal of his office. This certificate shall contain the serial number of the entry, and the book, volumes and pages, wherein the document has been registered as well as the date of registration, which is the date on which the endorsement under section 60 is made, and not the date on which it was presented for registration. The endorsement shall then be copied into the register as required by section 60 of the Act.

41. Return of registered documents by hand.

-The Registering Officer shall retain the registered documents in his possession upto the time appointed for returning them, and shall then cause each to be delivered in the presence of some responsible official of his office to the proper party, the receipt given for it being at the same time taken back. If the party to whom the receipt was granted represents that he has lost or mislaid it; the document may be returned to him on his written acknowledgement of its return. The document shall in no case be returned to anyone but the person who presented it for registration, or to his representative or agent, unless the person claiming to receive it produces the original receipt with a nomination in writing thereon as contemplated in section 61 of the Act.

42. Territorial divisions.

-The territorial division to be recognised under section 21 of the Act, will be such as may be prescribed from time to time.

43. Fines for delay in presenting or in appearance.

(1) Fines for delay in presenting documents for registration shall be levied under section 25 of the Act, according to the following scale. No registration fee shall be levied in the addition to these fines.

Where the delay has not been more than one month	an amount equal to twice the prescribed registration fee;
Where the delay has been more than one month, but not more than three	an amount equal to three times the prescribed registration fee;
Where the delay has been more than two months, but not more than three	an amount equal to six times the prescribed registration fee;
where the delay has been more than three months	an amount equal of ten times the prescribed registration fee.

(2) Additional fines for delay in appearance shall be levied, under the proviso to section 34 of the Act, according to the same scale: Provided that when the delay in presentation or when the delay in

appearance has been occasioned by the necessity of obtaining any order of Deputy Commissioner under the Delhi Lands (Restriction on Transfer) Act, 1972 and has not been due to any default on the part of persons desiring registration, the fine levied under section 24, or the additional fine levied under section 34 of the Act, shall be an amount only nominally in excess of the prescribed registration fee.(3)When a document has been executed by more than one person and such persons appear before the registering officer on different dates the amount of fine recovered under section 34 of the Act shall be according to the delay in the appearance of the executant who appears last and only one fine shall be recovered in such a case.

44. Remission of fines.

-Applications to the Inspector General of Registration for remission in whole or in part, under section 70 of the Act, of any fine levied in accordance with foregoing rules, shall be in writing and shall be forwarded by the Registrar of the District; who shall record his opinion thereon. No such application will be received or forwarded unless the document has been registered, and the fine or fines paid.

45. Oath to be administered cautiously.

-The discretion vested in Registering Officers by section 63 of the Act, shall be used with reserve and oaths shall be administered only in exceptional cases. For the purposes of this section an oath includes an affirmation under section 6 of the Indian Oaths Act, 1873.

46. Statement on oath how to be recorded.

-Statement made on oath under section 63 of the Act, shall not be recorded on the documents to which they relate, but on separate sheets of paper, which shall be filed in the office. A note, however, to the effect that recorded evidence has been taken, shall in such cases be endorsed on the document, and entered in the book in which it is registered in the column provided for copies of endorsements.

47. Repeals and Savings.

-The rules framed by Inspector General of Registration, Punjab, as contained in the Punjab Registration Manual, 1929, in their application to the Union Territory of Delhi are hereby. repealed. But any action taken under these rules or any proceedings in progress thereunder shall be deemed to have been taken under these rules.APPENDIX I(Vide para 12 of Part III)LIST OF PAPERS, ETC. TO BE DESTROYED

Sl. No.	Particulars of records	Period of retention
1	2	3
1.		One Year

All correspondence, whether in English or in Vernacular, which is of an ordinary routine character, and which the Registrar considers fit to be destroyed

2.	Copies of documents unclaimed by applicants	-do-
3.	Statement of title-holders	-do-
4.	Unclaimed registered deeds	Two Years
5.	Application for copies, searches and inspections with their indices	Three Years
6.	Other applications, petitions, appeals, records and papers of an ephemeral character not otherwise specified	-do-
7.	Indent for forms and registers	-do-
8.	Periodical returns of Sub-Registrar's office received by Registrars, including ordinary correspondence concerned therewith	-do-
9.	Office copies of periodical returns including budgets and annual reports in Registrar's and Sub-Registrar's offices and ordinary correspondence connected therewith	Three years
10.	Registrar's inspection notes	-do-
11.	Dak books and despatch books	-do-
12.	Receipt books	-do-
13.	Miscellaneous correspondence on such subjects as bills, vouchers, indents, leave and accounts	-do-
14.	Decrees of civil courts cancelling registered deeds	-do-
15.	Copies of inspection notes of Registers	-do-
16.	Refund vouchers	-do-
17.	Papers regarding complaint against Sub-Registrar, Peshi Clerks and Peons	-do-
18.	Challans or invoices of cash remitted to treasuries	-do-
19.	Register of fees	-do-
20.	List of papers, etc. proposed for destruction, with the Registrar's orders therein	-do-
21.	Contingent registers	Six Years
22.	Copies of inspection notes by Inspector-General of Registration and his personal Assistant	-do-
23.	Power of attorney for registration authenticated under section 33 of the Indian Registration Act, 1908	12 Years
24.	Statements and depositions of witnesses or proceedings under sections 36, 41, 63, 72, 73 and 74 of the Indian Registration Act, 1908.	-do-
25.	Detailed statements of establishment as it stood on 1st April	35 Years

APPENDIX II (Vide para 11 of Part III) COLUMNS OF MOVEMENT REGISTER

Sl No.	Date	Particulars of documents	Name of the court in which it is to be produced
1	2	3	4

Name of the person taking the document	Signature of the person concerned	Date of Return	Remarks
5	6	7	8

APPENDIX III-FORMS(Vide Para 12 of Part III)STATEMENT OF DOCUMENTS AND RECORDS PROPOSED FOR DESTRUCTION UNDER PARAGRAPH 55

Office of-----	District-----		
Description of document or record the brief abstract of its contents	Year of which document or records appertain	Opinion of Sub-Registrar as to whether the documents or record should be destroyed	Orders passed by Registrar
1	2	3	4

Part III

COURT FEES IN DELHI The enactment of the Court Fees Act, 1870 is intended to provide revenue to the State. It is now well established that this is a fiscal statute and like other identical legislation's its provisions and connotations must be construed in its strict sense. The question of court-fee and any objection in respect of pecuniary jurisdiction should be raised and decided at the earliest opportunity. The Code of Civil Procedure empowers the court to make up deficiency of court fees and under Order VII Rule 11 it is provided that the plaint shall be rejected where the relief claimed is undervalued, and the plaintiff on being required by the court to correct the valuation within a time to be fixed by the court fails to do so. It has been held, in such cases, where the valuation made by the plaintiff in respect of the suit property is unreasonable and arbitrary, court can exercise its powers vested in it under Order VII Rule 11 CPC. If the matter requires investigation, the court should record the evidence of the parties bearing on the point and if it finds that the court fee paid is insufficient it should stay further proceedings in the suit and require the plaintiff to make good the same. In general the court fee has to be decided on the basis of the subject-matter of the suit having regard to the averments made in the plaint itself and the appeal arising therefrom while the contentions raised in the written statement or the final decision or merits cannot affect the same. [Ed.-The Court Fees (Delhi Amendment) Act, 2012 (11 of 2012) was quashed and declared unconstitutional by Delhi High Court in case Delhi High Court Bar Association v. Government of NCT of Delhi, WP (C) No. 4770/2012, decided on 9th October, 2013. The Delhi Govt. filed SLP challenging the interim Order and the Supreme Court rejected and refused to stay the Order on 12th November, 2013. The earlier court fee rates are now effective.]

I

AD VALOREM FEES

Number	Proper fee
1. Plaint, written statement, pleading, set off or counterclaim or memorandum of appeal	When the amount or value of the subject-matter in dispute does not exceed five rupees. When such amount or value exceeds five Fifty naye paise Fifty naye paise.

(not other-wise provided for in this Act) or of cross objection presented to any Civil or Revenue Court except those mentioned in section 8.

rupees for every five rupees, or part thereof, in excess of five rupees, upto one hundred rupees.

When such amount or value exceeds one hundred rupees, but does not exceed five hundred rupees for every ten rupees, or part thereof, in excess of one hundred rupees, upto five hundred rupees.

One rupee.

When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof, up to one thousand rupees.

One rupee fifty naye paise.

When such amount or value for every one hundred rupees or part thereof, in excess of one thousand rupees, upto five thousand rupees.

Twelve rupees twenty naye exceeds one thousand rupees, paise.

When such amount or value for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.

Twenty four rupees forty naye exceeds five thousand rupees paise.

When such amount or value for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.

Thirty six rupees fifty naye exceeds ten thousand rupees, paise.

When such amount or value rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.

Forty eight rupees eighty naye exceeds twenty thousand paise.

When such amount or value for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.

Forty eight rupees eighty naye exceeds thirty thousand rupees, paise.

When such amount or value for every five thousand rupees, or part thereof in excess of fifty thousand rupees.

Forty eight rupees eighty naye exceeds fifty thousand rupees paise.

2.	Plaint [***] in a suit for possession under the Specific Relief Act, 1877, section 9.		A fee of one-half the amount prescribed in the foregoing scale.
3.	[***]		
4.	Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal.
5.	Application for review of judgment, if presented before the ninetieth day from the date of the decree.		One-half of the fee leviable on the plaint or memorandum of appeal.
6.	Copy of translation of judgment or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the Presiding Officer of any Revenue Court or Officer of any Revenue Court or Office or by any other judicial Executive Authority.	One rupee twenty-five naye paise.
		When such judgment or order is passed by a High Court.	Two rupees sixty-five naye paise.
7.	Copy of decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than High Court or by any Revenue Court. When such decree or order is made by a High Court	Two rupees sixty-five naye paise. Five rupees sixty-five naye paise
8.	Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn, provided such copy is not subject to any duty under the Indian Stamp Act, 1899	(a) When the stamp-duty chargeable on the original does not exceed twelve annas. (b) In any other case	The amount of the duty chargeable on the original. One rupee.
9.	Copy of any revenue or judicial proceeding or order not otherwise	For every three hundred and sixty words or fraction of three hundred and sixty words.	Sixty-five naye paise.

provided for by this Act, or
copy of any account,
statement, report or the
like, taken out of any
Civil or Criminal or
Revenue Court of Office or
from the office of any chief
officer charged with the
executive administration
of a division.

10. [***]

11. Probate of a Will or
Letters of
Administration with or
without Will annexed.

When the amount or value of the
property in respect of which the
grant of probate or letters is made
exceeds one thousand rupees, but
does not exceed ten thousand
rupees.

Two and one-half per centum on
such amount or value.

When such amount or value
exceeds ten thousand rupees, but
does not exceed fifty thousand
rupees.

Three and one-quarter per
centum on such amount or
value.

When such amount or value
exceeds fifty thousand rupees:

Four per centum on such
amount or value.

Provided that when after the grant
of a certificate under Part X of the
Indian Succession Act 1925, or
under the Regulation of the
Bombay Code No. 8 of 1827 in
respect of any property included in
an estate, a grant of probate or
letters of administration is made
in respect of the same estate, the fee
payable in respect of the latter grant
shall be reduced by the amount of
the fee paid in respect of the former
grant.

12. Certificate under Part X of
the Indian Succession Act,
1925 (39 of 1925)

Two and one-half per centum on
the amount or value of any debt
or security specified in the
certificate under section 374 of
the Act, and four per centum on
the amount or value of any debt
or security to which the

certificate is extended under section 376 of the Act.

Note.-(I) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on or for the negotiation or transfer of, the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

- Application to the High Court of (Punjab) for the exercise of its Jurisdiction under section 44 of the Punjab Courts Act, 1918, or to the Court of the Chief Commissioner of Delhi for the exercise of its revisional jurisdiction under section 84 of the Punjab Tenancy Act, 1887.
- In any case When the amount or value of the subject matter in dispute does not exceed twenty-five rupees. When such amount of value exceeds twenty-five rupees
- Two rupees sixty-five paise. The fee leviable on a memorandum of appeal.

II

FIXED FEES

- | Number | Proper fee |
|----------------------------|---|
| 1. Application of Petition | (a) When presented to any officer of the Customs or Excise Department or to |

any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;

or

When presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government and when the subject-matter of the application or petition relates exclusively to such engagement;

or

When presented to any Municipal Commissioner under any Act, for the time being in force, for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;

or

When presented to any Civil Court other than a principal Civil Court of original jurisdiction or to any Court of Small Causes constituted under Act No. 11 of 1865 or under Act No. 16 of 1868, section 20, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;

or

When presented to any Civil, Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.

(b) When containing a complaint or One rupee twenty-five

charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;

or

When presented to a Civil, Criminal or Revenue Court or to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;

or

to deposit in Court revenue or rent;

or

for determination by a court of the amount of compensation to be paid by land-lord to his tenant.

(c) When presented to a Chief Commissioner or other Chief Controller, Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act.

One rupee twenty-five naye paise.

(d) When presented to the High Court:

(i) Under the Companies Act, 1956, for winding up a Company;

Two hundred and sixty rupees.

(ii) Under the same Act for taking some other judicial action;

Thirteen rupees.

(ia) Under article 226 of the Constitution of India other than petition for habeas corpus and petitions arising out of criminal proceedings;

Fifty rupees

(iii) In all other cases.

Two rupees and sixty-five naye paise.

1A.

	Application to any Civil Court that records maybe called for from another court.	When the court grants the application and is of opinion that the transmission of such records involves the use of the post.	One rupee in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of article I of this Schedule.
2.	Application for leave to sue as a pauper.	(a) When presented to a District Court.	One rupee twenty-five naye paise.
		(b) When presented to a Commissioner or High Court.	Two rupees sixty-five naye paise.
3.	Application for leave to appeal as a pauper.		Two rupees sixty-five naye paise.
4.	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		One rupee twenty-five naye paise.
5.	Bail-bond or other instrument of obligation given in pursuance of an order made by a Court of Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.		Sixty-five naye paise.
6.	Undertaking under section 49 of the Indian Divorce Act.		One rupee twenty-five naye paise.
10.	Mukhtarnama or Vakalatnama.	When presented for the conduct of any one case:	
		(a) to any Civil or Criminal or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this number.	One rupee twenty-five naye Court other than a High Court, paise.
		(b) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a Division not being the Chief Revenue or Executive Authority.	One rupee twenty-five naye Paise.
		(c) to a High Court, Chief Revenue, or other Chief Controlling Revenue or Executive Authority.	Two rupees sixty-five naye Commissioner, Board of paise.

	(a) to any Civil Court other than a High Court or to any Revenue Court	
11.	Memorandum of appeal when the appeal is not from a decree or an order having the force of decree, and is presented or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority. (b) to the High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority.	One rupee twenty-five naye paise. Five rupee twenty-five naye paise.
12.	Caveat	Six rupees fifty naye paise.
13.	Application under Act No. 10 of 1859, section 26, or Bengal Act No. 6 of 1862, section 9, or Bengal Act No. 8 of 1869, section 37.	Six rupees fifty naye paise.
14.	Petition in a suit under the Native Coverts Marriage Dissolution Act, 1866 (21 of 1866).	Six rupees fifty naye paise.
14A.	Every petition or application or memorandum of appeal under the Special Marriage Act, 1954 (43 of 1954) or the Hindu Marriage Act, 1955 (25 of 1955).	Fifteen rupees.
17.	Plaint or memorandum of appeal in each of the following suits: (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court; (ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates; (iii) to obtain a declaratory decree where no consequential relief is prayed; (iv) to set aside an award; (v) to set aside an adoption;	Nineteen rupees fifty naye paise.

- (vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.
- Application under section 20 of the Indian Arbitration Act, 10 of 1940.
18. Thirteen rupees.
- Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.
19. Thirteen rupees.
- Every petition under the Indian Divorce Act, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.
- 20.
- Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 (15 of 1865).
21. Thirty-one rupees.
- Plaint or memorandum of appeal in a suit by a reversioner under any customary law in force in the Union territory of Delhi for declaration in respect of an alienation of an ancestral land.
22. Nineteen rupees fifty naye paise.
- Application or memorandum of appeal for relief under the Delhi Rent Control Act, 1958 (59 of 1958).
23. Thirteen rupees.
- Claims for money (whether secured or unsecured) or a claim to set off made against such claims or counter-claims under the Banking Companies Act, (c) 1949 (Act 10 of 1949).
24. (a) Where the amount does not exceed Rs. 2,500. (b) Where the amount exceeds Rs. 2,500 but not exceeds Rs. 10,000. (c) Where the amount exceeds Rs. 10,000. Nineteen rupees fifty naye paise. Sixty-five rupees.
- 25.

Memorandum of appeal from (a) Where the amount exceeds Rs. 5,000 Seventy-eight
an order or decision passed but does not exceeds Rs. rupees. One hundred
under the provision of section 10,000. (b) Where the amount exceeds and thirty rupees.
45B of the Rs. 10,000.
Banking Companies Act, 1949
(10 of 1949).

III

[See section 19(i)] FORM OF VALUATION (to be used with such Modifications if any, as may be necessary) IN THE COURT OF Re: Probate of the Will of (or administration the property and credits of) deceased. I, solemnly affirm/make oath and say that I am the executor (or one of the executors or one of the next-of-kin) of deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the above-named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B, all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of this said deceased, are under the value of.

ANNEXURE AVALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF DECEASED
Cash in the house and at the banks, house-hold goods, wearing-apparel, books, plate, jewels, etc..... (State estimated value according to best of Executor's or Administrator's belief.)
Property in Government securities transferable at the public Debt Office (State description and value at the price of the day; also the interest separately, calculating it to the time of making application.)
Immoveable property consisting of (State description, giving, in the case of houses, the assessed value, if any, and the number of years' assessment, the market-value is estimated at, and in the case of land, the area, the market value and all rents that have accrued.)
Lease-hold property (If the deceased held any leases for years determinable, state the number of years' purchase the profit rents are estimated to be worth and the value of such, insuring separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)
Property in public companies (State the particulars and the value calculated at the price of the day; also the interest separately calculating it to the time of making the application.)
Policy of insurance upon life, money out on mortgages and other securities such as bonds, mortgages, bills, notes and other securities for money..... (State the amount of the whole; also the interest separately, calculating it to the time of making the application.)
Book debts (Other than bad.) Stock in trade (State the estimated value, if any.)
Other property not comprised under the foregoing heads. (State the estimated value, if any,) _____
TOTAL _____ Deduct amount shown in Annexure B, not subject to duty. _____ NET

TOTAL _____ ANNEXURE B

OF DEBTS, ETC

Amount of debts due and owing from the deceased, payable by law out of the estate. Amount of funeral expenses..... Amount of mortgage incumbrances..... Property held in trust not beneficially or with general power to confer a beneficial interest..... Other property not subject to duty TOTAL Table Rates of Ad Valorem Fees Leviable on the Institution of Suits in Delhi

When the amount or value of the exceeds rupees	But does not exceed rupees	Proper fee	When the amount or value of the subject-matter exceeds rupees	But does not exceed rupees	Proper fee
Rs.	Rs.	Rs.P.	Rs.	Rs.	Rs.P.
	5	0.50	140	150	15.00
5	10	1.00	150	160	16.00
10	15	1.50	160	170	17.00
15	20	2.00	170	180	18.00
20	25	2.50	180	190	19.00
25	30	3.00	190	200	20.00
30	35	3.50	200	210	21.00
35	40	4.00	210	220	22.00
40	45	4.50	220	230	23.00
45	50	5.00	230	240	24.00
50	55	5.50	240	250	25.00
55	60	6.00	250	260	26.00
60	65	6.50	260	270	27.00
65	70	7.00	270	280	28.00
70	75	7.50	280	290	29.00
75	80	8.00	290	300	30.00
80	85	8.50	300	310	31.00
85	90	9.00	310	320	32.00
90	95	9.50	320	330	33.00
95	100	10.00	330	340	34.00
100	110	11.00	340	350	35.00
110	120	12.00	350	360	36.00
120	130	13.00	360	370	37.00
130	140	14.00	370	380	38.00
380	390	39.00	750	760	114.00
390	400	40.00	760	770	115.50

The Delhi Registration Rules, 1976

400	410	41.00	770	780	117.00
410	420	42.00	780	790	118.50
420	430	43.00	790	800	120.00
430	440	44.00	800	810	121.50
440	450	45.00	810	820	123.00
450	460	46.00	820	830	124.50
460	470	47.00	830	840	126.00
470	480	48.00	840	850	127.50
480	490	49.00	850	860	129.00
490	500	50.00	860	870	130.50
500	510	76.50	870	880	132.00
510	520	78.00	880	890	133.50
520	530	79.50	890	900	135.00
530	540	81.00	900	910	136.50
540	550	82.50	910	920	138.00
550	560	84.00	920	930	139.50
560	570	85.50	930	940	141.00
570	580	87.00	940	950	142.50
580	590	88.50	950	960	144.00
590	600	90.00	960	970	145.50
600	610	91.50	970	980	147.00
610	620	93.00	980	990	148.50
620	630	94.50	990	1,000	150.00
630	640	96.00	1,000	1,100	162.20
640	650	97.50	1,100	1,200	174.40
650	660	99.00	1,200	1,300	186.60
660	670	100.50	1,300	1,400	198.80
670	680	102.00	1,400	1,500	211.00
680	690	103.50	1,500	1,600	223.20
690	700	105.00	1,600	1,700	235.40
700	710	106.50	1,700	1,800	247.60
710	720	108.00	1,800	1,900	259.80
720	730	109.50	1,900	2,000	272.00
730	740	111.00	2,000	2,100	284.20
740	750	112.50	2,100	2,200	296.40
2,200	2,300	308.60	7,250	7,500	882.00
2,300	2,400	320.80	7,500	7,750	906.40

The Delhi Registration Rules, 1976

2,400	2,500	330.00	7,750	8,000	930.80
2,500	2,600	345.20	8,000	8,250	955.20
2,600	2,700	357.40	8,250	8,500	979.60
2,700	2,800	369.60	8,500	8,750	1,004.00
2,800	2,900	381.80	8,750	9,000	1,028.40
2,900	3,000	394.00	9,000	9,250	1,052.80
3,000	3,100	406.20	9,250	9,500	1,077.20
3,100	3,200	418.40	9,500	9,750	1,101.60
3,200	3,300	430.60	9,750	10,000	1,126.00
3,300	3,400	442.80	10,000	10,500	1,162.50
3,400	3,500	455.00	10,500	11,000	1,199.00
3,500	3,600	467.20	11,000	11,500	1,235.50
3,600	3,700	479.40	11,500	12,000	1,272.00
3,700	3,800	491.60	12,000	12,500	1,308.50
3,800	3,900	503.80	12,500	13,000	1,345.00
3,900	4,000	516.00	13,000	13,500	1,381.50
4,000	4,100	528.20	13,500	14,000	1,418.00
4,100	4,200	540.40	14,000	14,500	1,454.50
4,200	4,300	552.60	14,500	15,000	1,491.00
4,300	4,400	564.80	15,000	15,500	1,527.50
4,400	4,500	577.00	15,500	16,000	1,564.00
4,500	4,600	589.20	16,000	16,500	1,600.50
4,600	4,700	601.40	16,500	17,000	1,637.00
4,700	4,800	613.60	17,000	17,500	1,673.50
4,800	4,900	625.80	17,500	18,000	1,710.00
4,900	5,000	638.00	18,000	18,500	1,746.50
5,000	5,250	662.40	18,500	19,000	1,783.00
5,250	5,500	686.80	19,000	19,500	1,819.50
5,500	5,750	711.20	19,500	20,000	1,856.00
5,750	6,000	735.60	Rs. (in Thousands)		
6,000	6,250	760.00	20	21	1,904.80
6,250	6,500	784.40	21	22	1,953.60
6,500	6,750	808.80	22	23	2,002.40
6,750	7,000	833.20	23	24	2,051.20
7,000	7,250	857.60	24	25	2,100.00
Rs. (in Thousands)		Rs. (in Thousands)			

The Delhi Registration Rules, 1976

25	26	2,148.80	155	160	3,905.60
26	27	2,197.60	160	165	3,954.40
27	28	2,246.40	165	170	4,003.20
28	29	2,295.20	170	175	4,052.00
29	30	2,344.00	175	180	4,100.80
30	32	2,392.80	180	185	4,149.60
32	34	2,441.60	185	190	4,198.40
34	36	2,490.40	190	195	4,247.20
36	38	2,539.20	195	200	4,296.00
38	40	2,588.00	200	205	4,344.80
40	42	2,636.80	205	210	4,393.60
42	44	2,685.60	210	215	4,442.60
44	46	2,734.40	215	220	4,491.20
46	48	2,783.20	220	225	4,540.00
48	50	2,832.00	225	230	4,588.80
50	55	2,880.80	230	235	4,637.60
55	60	2,929.60	235	240	4,686.40
60	65	2,978.40	240	245	4,735.20
65	70	3,027.20	245	250	4,784.00
70	75	3,076.00	250	255	4,832.80
75	80	3,124.80	255	260	4,881.60
80	85	3,173.60	260	265	4,930.40
85	90	3,222.40	265	270	4,979.20
90	95	3,271.20	270	275	5,028.00
95	100	3,320.00	275	280	5,076.80
100	105	3,368.80	280	285	5,125.60
105	110	3,417.60	285	290	5,174.40
110	115	3,466.40	290	295	5,223.20
115	120	3,515.20	295	300	5,272.00
120	125	3,564.00	300	305	5,320.80
125	130	3,612.80	305	310	5,369.60
130	135	3,661.60	310	315	5,418.40
135	140	3,710.40	315	320	5,467.20
140	145	3,759.20	320	325	5,516.00
145	150	3,808.00	325	330	5,564.80
150	155	3,856.80	330	335	5,613.60
335	340	5,662.40	365	370	5,955.20

The Delhi Registration Rules, 1976

340	345	5,711.20	370	375	6,004.00
345	350	5,760.00	375	380	6,052.80
350	355	5,808.80	380	385	6,101.60
355	360	5,857.60	385	390	6,150.40
360	365	5,906.40	390	395	6,199.20
			395	400	6,248.00

The fee increases at the rate of
Rs. 48.80 for every
Rs.5,000.00 or part thereof in
excess of 4 lacs.