



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १६]

शुक्रवार, मे २५, २०१२/ज्येष्ठ ४, शके १९३४

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असाधारण क्रमांक २८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Registration (Maharashtra Amendment) Act, 2010 (Maharashtra Act No. X of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,

Law and Judiciary Department.

MAHARASHTRA ACT No. X OF 2012.

(First published, after having received the assent of the President, in the "Maharashtra Government Gazette", on the 25th May 2012).

An Act further to amend the Registration Act, 1908, in its application to the State of Maharashtra.

16 of 1908. WHEREAS it is expedient further to amend the Registration Act, 1908, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Maharashtra Amendment) Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title
and
commence-
ment.

- Amendment of section 7 of Act 16 of 1908. 2. In section 7 of the Registration Act, 1908, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), to sub-section (1), the following proviso shall be added, namely :—
- 16 of 1908.
- " Provided that, the State Government may, by order published in the *Official Gazette*, specify the documents for registration by the office of the Joint Sub-Registrar so established. "
- Amendment of section 17 of Act 16 of 1908. 3. In section 17 of the principal Act, in sub-section (1), after clause (e), the following clauses shall be added, namely:—
- (f) agreement relating to the 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 debts ;
- (g) sale certificate issued by any competent officer or authority under any recovery Act ;
- (h) irrevocable Power of Attorney relating to transfer of immovable property in any way, executed on or after the commencement of the Registration (Maharashtra Amendment) Act, 2010. "
- Mah. X of 2012.
- Deletion of section 22A of Act 16 of 1908. 4. Section 22A of the principal Act shall be deleted.
- Amendment of section 32 of Act 16 of 1908. 5. In section 32 of the principal Act, after the word and figures " and 89, " the words " or when the document is presented by electronic means, " shall be inserted.
- Amendment of section 34 of Act 16 of 1908. 6. In section 34 of the principal Act,—
- (a) in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—
- " Provided further that, when such document is presented by electronic means, the personal appearance shall not be required. ";
- (b) in sub-section (3), after clause (c), the following proviso shall be added, namely :—
- " Provided that, when such document is presented by electronic means, the enquiry shall be done as per the rules made in this behalf. ";
- (c) in sub-section (4), for the words " proviso to " the words " first proviso to " shall be substituted.
- Amendment of section 35 of Act 16 of 1908. 7. In section 35 of the principal Act,—
- (a) in sub-section (1), in clause (a), after the words " appear personally " the words " or through electronic means, as the case may be, " shall be inserted ;

(b) to sub-section (2), the following proviso shall be added, namely:—

“ Provided that, when such document is presented by electronic means, the procedure laid down by the rules made in this behalf shall be followed for the examination of person. ”

8. In section 69 of the principal Act, in sub-section (1), after clause (j), the following clause shall be added, namely:—

Amendment of section 69 of Act 16 of 1908.

“ (k) regulating the procedure for presentation of document, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of registration fees and other fees and such other process, when the document is presented by electronic means. ”

9. After section 89 of the principal Act, the following sections shall be inserted, namely:—

Insertion of sections 89A, 89B, 89C and 89D in Act 16 of 1908.

“ 89A. (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,

Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.

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 situate, and such officer shall file the copy of the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890, shall,—

(a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21 ;

(b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum indicating that fact and describing that 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 to which the written demand is situate, and such registering officer shall file a copy of the written demand and the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

Notice to be sent to registering officers by mortgagor in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.

89B. (1) Every person who has mortgaged immovable property by way of a mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 shall, within thirty days from the date of the mortgage, file a notice of intimation of his having so mortgaged the property, giving details of his name and address, name and address of the mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property 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 property is situate, and the said officer shall file the same in his Book No. 1 :

IV of
1882.

Provided that, if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within thirty days as stated in sub-section (1) before the registering officer or officers, as the case may be, and enters into any transaction in relation to or affecting the immovable property which is the subject matter of the mortgage, with a third party ; such a transaction shall be void and the third party shall be entitled to refund of any amount paid by him together with interest at twelve per cent. from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property :

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title-deeds which are duly registered as per the provisions of this Act.

89C. Any person who failed to file a notice under section 89B to the registering officer alongwith fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one year but which may be for a term which may extend to three years and shall also be liable to fine.

Punishment for failure to file notice under section 89B.

89D. (1) The State Government may, by notification in the *Official Gazette*, make rules for all purposes connected with the filing of copies of documents referred to in section 89A or filing of notices referred to in section 89B, in the appropriate book under this Act.

Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,—

(a) the manner in which notices or true copies of documents shall be prepared ; and

(b) the manner of filing of the notices or true copies.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”