

REGISTRATION OF INSTRUMENTS ACT 1843

ACT NO. I. OF 1843

(Rep., Act 16 of 1864)

[27th January, 1843]

Passed by the Right Hon'ble the President of the Council of India in Council, On the 27th January, 1843, with the assent of the Right Hon,ble the Governor General of India.

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Masras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording. By means of their being registered, a Security against conveyances or instruments being set up, as of previous date, by unregistered claimants:

It is hereby enacted, that the provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding, Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.
