

1/W

(30)

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

Sub : Will without Blood Relation presented
vide slip No.33053 dated 28/8/2007.

A Will was presented by Sh. Ashok Kumar Tyagi S/O Sh. Shiv Raj Singh R/O WZ-111A/95-B, Gali No.36-37, School Road, Uttam Nagar, New Delhi-110059 in favour of Smt. Bina @ Veena W/O Late Sh.Chander Shekhar R/O R-12, Gurpreet Nagar, Uttam Nagar, New Delhi-110059 vide slip No. 33159 dated 28/08/2007 in respect of Entire First Floor without roof rights, Property No.12, Khasra No.843, 844 & 860, Village Nawada, R-Block, Gurpreet Nagar, Uttam Nagar, New Delhi-110059.

The Will is without Blood relation i.e. there is no family relationship established between testator & trix i.e. there seems no family relation/blood relation between Sh. Ashok Kumar Tyagi & Smt. Bina @ Veena W/O Late Sh.Chander Shekhar.

The said document was referred to COS(Patel Nagar) vide this Office letter No.F.SR.II(JP)/Imp/2007/2338 dated 29/8/2007 for further necessary action at his end. X

Document cannot be denied from general public at the time of presentation of document. It is also submitted that legally we cannot reject the document.

At this stage it may be clarified that the document i.e. Will without Blood Relation may be registered or not as there is possibility of Stamp Duty evasion in this regard.

Registrar (West)

Let the COS (PN) decide the matter as X's own

SAVE IT
WHILE YOU
STILL CAN.

SR-II

14/9/07

19/9

S.R-II

29/8/07
18/9/07

30/8/07
19/9/07

2/N

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

Sub : Will without Blood Relation presented
vide slip No. 33053 dated 28/8/2007.

A Will was presented by Sh. Ashok Kumar Tyagi S/O Sh. Shiv Raj Singh R/O WZ-111A/95-B, Gali No.36-37, School Road, Uttam Nagar, New Delhi-110059 in favour of Smt. Bina @ Veena W/O Late Sh.Chander Shekhar R/O R-12, Gurpreet Nagar, Uttam Nagar, New Delhi-110059 vide slip No. 33159 dated 28/08/2007 in respect of Entire First Floor without roof rights, Property No.12, Khasra No.843, 844 & 860, Village Nawada, R-Block, Gurpreet Nagar, Uttam Nagar, New Delhi-110059.

The Will is without Blood relation i.e. there is no family relationship established between testator & trix i.e. there seems no family relation/blood relation between Sh. Ashok Kumar Tyagi & Smt. Bina @ Veena W/O Late Sh.Chander Shekhar.

The said document was referred to COS(Patel Nagar) vide this Office letter No.F.SR.II(JP)/Imp /2007/2338 dated 29/8/2007 for further necessary action at his end.

Document cannot be denied from general public at the time of presentation of document. It is also submitted that legally we cannot reject the document.

File was sent to Dy.Commissioner (West) for clarification that the document i.e. Will without Blood Relation may be registered or not as there is possibility of Stamp Duty evasion in this regard.

Contd.....

3/N

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI
From pre-page

Dy. Commissioner (West) in his minutes has stated that COS(Patel Nagar) may decide the matter.

Meanwhile Legal Notice has been received against the undersigned which may kindly be seen opposite and last day of reply of the said notice is 4/11/2007.

It is therefore requested that necessary direction may be given to COS (Patel Nagar) to give the direction in respect of Will in question as soon as possible, enable the undersigned to give suitable reply of the Legal Notice within stipulated time.

2288/SE-1
17/10/07

SR-II

Registrar/Dy. Commissioner (West)

A. do the needful at the earliest.

U. S. S. S.
18.10.07

C. S. S. S.

Reference dated 29.8.07 of SR-II, Janakpuri is added in the file. Since the powers of COS has not been delegated to me, may please do the needful.

18/10/07

S. D. M. R. G.

SR-II may please see that

- (i) if any document is forwarded under Sec 47A the same is required to be registered first.
- (ii) for forwarding the document to COS for determination of the value or consideration and the proper duty payable thereon, the registering

Water
100% Natural, 0% Artificial

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

Sub : Will without Blood Relation presented
vide slip No. 33053 dated 28/8/2007.

A Will was presented by Sh. Ashok Kumar Tyagi S/O Sh. Shiv Raj Singh R/O WZ-111A/95-B, Gali No.36-37, School Road, Uttam Nagar, New Delhi-110059 in favour of Smt. Bina @ Veena W/O Late Sh.Chander Shekhar R/O R-12, Gurpreet Nagar, Uttam Nagar, New Delhi-110059 vide slip No. 33159 dated 28/08/2007 in respect of Entire First Floor without roof rights, Property No.12, Khasra No.843, 844 & 860, Village Nawada, R-Block, Gurpreet Nagar, Uttam Nagar, New Delhi-110059.

The Will is without Blood relation i.e. there is no family relationship established between testator & trix i.e. there seems no family relation/blood relation between Sh. Ashok Kumar Tyagi & Smt. Bina @ Veena W/O Late Sh.Chander Shekhar.

The said document was referred to COS(Patel Nagar) vide this Office letter No.F.SR.II(JP)/Imp/2007/2338 dated 29/8/2007 for further necessary action at his end.

Document cannot be denied from general public at the time of presentation of document. It is also submitted that legally we cannot reject the document.

File was sent to Dy.Commissioner (West) for clarification that the document i.e. Will without Blood Relation may be registered or not as there is possibility of Stamp Duty evasion in this regard.

Contd.....

- 6/n -

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

From pre-page

Dy. Commissioner (West) in his minutes has stated that COS(Patel Nagar) may decide the matter.

Meanwhile Legal Notice has been received against the undersigned which may kindly be seen opposite and last day of reply of the said notice is 4/11/2007.

In this regard may kindly see the minutes of SDM (Rajouri Garden) at P-3/N in which she has stated that :

- i) if any document is forwarded under Section 47 A the same is required to be registered first.
- ii) For forwarding the document to COS for determination of the value or consideration and the proper duty payable thereon, the Registering Officer should have reasons to believe that the value of the property or the consideration has not been set forth truly in the instrument. But in the present case there is no consideration amount involved and also that the effectiveness of 'Will' comes into force only after the death of the testator.

There is no clear-cut direction received from COS. At this stage the said file may be sent to Headquarter for direction that we may register the said document in question or not? Meanwhile we may give interim reply to Sh. Ashok Kumar Tyagi.

Draft interim reply is put up in separate file for approval please.

Registrar/Dy. Commissioner (West)

May H. advice at the earliest

SAVE IT
WHILE YOU
STILL CAN.

Water

100% Natural, 0% Raybanella.

SR-II
25/10/07
29.10.2007

Cost/Hg

-7/N-

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

May kindly peruse the note of Dy. Commissioner (West) dated 29-10-2007 on pre page who has forwarded the file to this office for advice. Scrutiny of file reveals that document is a will and will convey right, title and interest un to the property only after the death of its testator. And also testator has right to execute fresh will and can cancel/ revoke all previous will at any time during his life.

If approved we may sought expert advice of Consultant (HQ) in this regard.

Submitted please.

20.11.11/07

S-DM (H-2)

20.11.07

Consultant -
ADM (H-2)

Regn/Br
1/11/07

As advised by Consultant (HQ)
In the case file of will without
blood relationship No. 37368 dt 2/10/07
file No. FSR-I (JP)/MISC/2007 (CPO of
Fishing is placed here) and as well as
the advised of L & J Deptt. (CPO of Fishing
is placed opposite), Dy. Commissioner may
be requested to take action in
the light of same

20.11.07

SOM-I (H-2)

1174/SOM-I
2/11/07

20.11.07

ADM (H-2)
SAVE IT
WHILE YOU
STILL CAN.
D-Water
100% Natural, 100% Refreshing
SR-I

20.11.07

2/11

20.11.07
Sd/- H. K. Sharma

8/N

OFFICE OF THE DIVISIONAL COMMISSIONER, GOVT. OF DELHI

Spoken and submitted that in the similar case opinion of Law Department, GNCT of Delhi was sought on below mentioned four points:-

1. Can such Will which smells the transfer of property through such way be executed in favour of any person who is not even related either in blood relation or family under the existing law like India Succession Act or Hindu Succession Act or any other such act/law of land.
2. whether can the registering authority under the provisions of Indian Registration Act, 1908 refuse to register such Will under any other such act/law.
3. Can the Inspector General of Registration / State Govt. issue any such order / notification for not registering such document being against the public policy/ public interest.
4. Any other way/advise to discourage such execution and registration of such Will which should be sound from administrative as well as legal scrutiny point of view.

"In their opinion Law Deptt. has opined that there is no express or implied provisions under the Registration Act when 'Will' can be refused its registration provided other statutory requirement are made is immaterial under the Act whether executor of a will is related by blood otherwise or not. Hence our answer to query No.1 is in affirmative while query No.2 is in negative for the aforesaid reason. As regard query No.3 is concerned our answer is again in negative for want of enabling provisions under the statute. As regards query No.4 is concerned administrative instructions or orders which run counter to be statutory law may not be levied sustainable hence not advisable.

As regards 'possession of property' is concerned, it is again not material since mere possession does not transfer or convey title of the property nor ownership rights hence of no legal significant such. It is however no denying that a will only comes into operation after the demise of its executor.

In addition is submitted that under the Registration Act, 1908 the registering officer has to mainly enquire as to whether the document has been executed by the person by whom it purports to have been executed. The issue regarding evasion of stamp duty can be appropriately addressed under the Indian Stamp Act, 1899 and other concomitant laws.

It is opined accordingly.

The opinion at 'x' above holds good only for 'Will' and not in respect of immovable properties (copy of noting placed here)."

If approved file may be returned to Dy. Commissioner (West) with the request to take action in the light of advise of Law Department.

Submitted Please.

AT 11/12

A OM (HQA)

U
2/11

DC (West)

Q
2/11

amshan.

SAVE IT
WHILE YOU
STILL CAN.
Water
100% Natural, 0% Artificial.