

(1901) 11 CAL CK 0002

In the Calcutta High Court

Case No : Appeal from Appellate Decree No. 1717 of 1899

Sita Nath Bandopadhyaya

APPELLANT

Vs

Bissessur Roy Chaudhuri

RESPONDENT

Date of Decision : 26-11-1901

Acts Referred:

Citation : (1901) 11 CAL CK 0002

Final Decision : Dismissed

Judgement

1. This is an appeal against a decision of the District Judge of Backergunge, dated the 10th of May 1899. The question which arises in the appeal is whether a certain document was duly registered or not. The law, that is to say, sec. 60 of the Registration Act, provides that the certificate of registration of a document "shall be signed, sealed and dated by the registering officer," and that the registering officer shall endorse thereon a certificate containing the words "registered." Now, the bond in this case did bear such a certificate upon its back, and it was signed and dated by the registering officer; but unfortunately the registering officer did not seal it. In these circumstances the bond has been impugned as invalid and inoperative.

2. The Subordinate Judge and the District Judge have both held, however, that the document was properly registered and was operative and valid.

3. But the learned pleader for the Appellant in this case maintains that the judgment of the District Judge is wrong and that the bond was not duly registered because it was not sealed. We are unable to take this view of the matter. The sealing of the bond was not an essential part of the act of registration; and no explanation of the registering officer's omission to seal it has been given. We can only suppose that it was not sealed through inadvertence, and that if the registering officer did not intend to register it, he would not have signed and dated it. Seeing that he did sign and date it we think that he intended to seal it, but thought perhaps that it was beneath his dignity to do so himself and so passed it on to some menial servant, who, through

carelessness or inadvertence, omitted to affix the seal to it. We do not think that it should on this account be held invalid. The defect in the procedure of the registering officer seems to us to be covered by the provisions of sec. 87 of the Registration Act, which provides, that "nothing done in good faith, pursuant to this Act or any other Act herein repealed, shall be deemed invalid merely by reason of any defect in his appointment or procedure." The omission of the registering officer to seal the deed seems to us to be a mere defect of procedure and we take the same view with regard to it as the lower Courts have done. The appeal is dismissed with costs.