

Part VII - Appearance of Executants and Witnesses - One-page Cheat Sheet

2-minute summary: Use summons, commissions and exemption routes while preserving service, identity and testimony evidence.

Provision map

36: Procedure where appearance of executant or witness is desired; 37: Officer or Court to issue and cause service of summons; 38: Persons exempt from appearance at registration-office; 39: Law as to summonses, commissions and witnesses

Workflow

1. Classify document and rights. 2. Capture State sources. 3. Verify title/authority/stamp. 4. Compute time, fee and office. 5. Present and admit. 6. Reconcile certificate/copy and remedies.

Red flags

Wrong instrument label; stale State rule/fee; incorrect office; late presentation; invalid POA; missing maker; denial of execution; insufficient stamp; missing annexure; portal copy mismatch; unrecorded refusal.

Evidence file

Act and State sources; title/property; authority; final instrument; stamp/fee; identity; witnesses; portal and office receipts; endorsements; certificate; registered copy; searches; refusal/remedy chronology.

Practical scenario

A property instrument is commercially agreed before document classification, State rules, stamp, authority, office jurisdiction and presentation mechanics are complete. Registration must be treated as a controlled legal closing, not a clerical step.

Key calculations

Transaction value	Reconcile consideration, debt, non-cash value, guideline value and taxes.
Registration clock	Map execution, presentation, appearance, completion and remedy dates.
Exposure	Quantify title/stamp/fee defects, delay, litigation, interest and cure cost.

Remedy and forum

Preserve presentation/delay, Registrar and section 77 clocks. Separate administrative registration remedy from title, specific relief, cancellation, injunction, damages, criminal and writ strategy.

Source warning

State amendments, section 69 Rules, fee tables, office jurisdiction, valuation and online workflows vary. Verify transaction-date official sources.