

**Evidence Act, 1872 – Section 91 , Registration Act, 1908 – Section 17, 17(1), 49 - Family settlement - The true principle that emerges can be stated thus: If the arrangement of compromise is one under which a person having an absolute title to the property transfers his title in some of the items thereof to the others, the formalities prescribed by law have to be complied with, since the transferees derive their respective title through the transferor. If, on the other hand, the parties set up competing titles and the differences are resolved by the compromise, there is no question of one deriving title from the other, and therefore, the arrangement does not fall within the mischief of Section 17 read with Section 49 of the Registration Act as no interest in property is created or declared by the document for the first time. As pointed out by this Court in [1955 PLRonline 0002](#) , it is assumed that the title had always resided in him or her so far as the property falling to his or her share is concerned and therefore no conveyance is necessary.**

**[1988 PLRonline 0003](#)**

**[Roshan Singh v. Zile Singh, 1988 PLRonline 0003, AIR 1988 SC 881](#)**