

[PRINT / DOWNLOAD PDF](#)

The tests for determining whether a document is an instrument of [partition](#) or a mere list of properties, have been laid down in a long catena of decisions of the Privy Council, this Court and the High Courts. The question was dealt with by Vivian Bose, J. in *Narayan Sakharam Patil v. Cooperative Central Bank, Malkapur & Ors.*, ILR (1938) Nag. 604 Speaking for himself and Sir Gilbert Stone, C.J. the learned Judge relied upon the decisions of the Privy Council in *Bageshwari Charan Singh v. Jagarnath Kuari* LR (1932) 59 IA 130 and *Subramanian v. Lutchman* LR (1923) 15 IA 77 and expressed as follows:

*It can be accepted at once that mere lists of property do not form an instrument of partition and so would not require registration, but what we have to determine here is whether these documents are mere lists or in themselves purport to "create, declare, assign, limit or extinguish...any right, [title](#) or [interest](#)" in the property which is admittedly over Rs. 100 in value. The question is whether these lists merely contain the recital of past events or in themselves embody the expression of [will](#) necessary to effect the change in the legal relation contemplated.*

Tags: [Partition](#), [Registration Act S. 17](#), [Registration Act S. 17\(1A\)](#), [Registration Act](#)