
(2016) 10 P&H CK 0036
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No.18316 of 2016

Sohan Lal Advocate

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 03-10-2016

Acts Referred:

Notaries (Amendment) Rules, 1956 — Rule 6-B

Citation : (2017) 2 PLR 385

Hon'ble Judges : Rakesh Kumar Jain, J.

Bench : Single Bench

Advocate : Mr. Rajesh Gupta, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J. (Oral)—This petition is directed against the order dated 29.03.2016 (Annexure P-7) by which application filed by the petitioner for renewal of his certificate of practise as a Notary has been declined.

2. In short, the petitioner was holding certificate of practise as Notary, bearing Registration No.4177, issued on 18.06.2007, which was valid upto 17.06.2012. Wife of the petitioner unfortunately expired on 04.02.2009 and the circumstances compelled him to stay at home to look after his minor children and, thus, he was under mental stress. Admittedly, he could not apply for renewal of certificate before six months of its expiry, as provided in the Notaries Rules, 1956, as amended by the Notaries (Amendment) Rules, 2014 (hereinafter referred to as the "Rules").

3. Counsel for the petitioner has submitted that the application filed by the petitioner on 03.08.2015 has been declined on the ground that the petitioner had to apply for renewal of the certificate six months before its expiry, as required under Section 8B of the Rules. He has referred to a decision of the Delhi High Court in the case of Neelam Sharma v. Union of India, W.P.(C) No.8503 of 2015, decided on 11.09.2015, in support of his submission that the application can be

filed even with some delay.

4. I have heard learned counsel for the petitioner and examined the available record with his able assistance.

5. The renewal of the certificate of practise as a Notary is governed by Rule 8B of the Rules, which is as under:-

"8B. Renewal of Certificate of Practise.-- The certificate of practise issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practise shall be submitted to the appropriate Government before six months from the date of expiry of its period of validity.

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practise before the above specified period."

6. No doubt that it is provided in Rule 8B of the Rules that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practise before six months but in the present case, the application for renewal itself has been filed after three years, after the expiry of the certificate, which cannot be condoned in any manner. The condonation is provided in case application is not filed within six months before the expiry of the certificate, that too by passing a reasoned order by the appropriate Government, but in no case, the time can be extended after six months. The judgment rendered by the Delhi High Court in Neelam Sharma's case (supra), relied upon by the petitioner, is not applicable to the facts and circumstances of the present case.

7. Consequently, the present petition is hereby dismissed being denuded of any merit.