

CWP No.18316 of 2016

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.18316 of 2016
Date of decision:03.10.2016**

Sohan Lal Advocate

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajesh Gupta, Advocate,
for the petitioner.

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 practice as a Notary has been declined.

In short, the petitioner was holding certificate of practice 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").

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 vs. 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.

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

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

“8B. Renewal of Certificate of Practice.-- The certificate of practice 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 Practice 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 practice before the above specified period.”

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 practice 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

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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.

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

October 03, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No