

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

CWP No. 2807 of 2016

Date of decision:10.03.2016

Lokesh Bhandari

.....Petitioner

versus

UOI and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Sumeet Mahajan, Senior Advocate with
 Mr.Amit Kohar, Advocate
 for the petitioner.

Mr. Vivek Singla, Advocate
for UOI.

Rakesh Kumar Jain, J.(Oral)

The petitioner is a practicing advocate from the last 33 years in the District court at Rupnagar. The petitioner was appointed as Notary for a period of five years on 28.07.2000. The certificate of the petitioner was twice renewed for a period of five years i.e. upto 28.07.2010 and 28.07.2015. It is alleged that he became ill in Januray, 2014 and was detected Chronic Myelogenous Leukemia (CML-Blood Cancer) by the AIIMS Hospital, New Delhi and is under treatment w.e.f. 22.02.2014. Because of his serious illness, he could not apply for renewal of certificate to practice as a Notary within the prescribed period as provided in Rule 8-B of the Notaries Rules, 1956(for short, 'the Rules'). His application was rejected vide order dated 8.09.2015 (Annexure P-4) on the ground that he has not applied for renewal

of the certificate of Notary well before six months of its expiry.

Counsel for the petitioner has submitted that the petitioner had been applying for renewal of the certificate of the Notary in the past in time as he had got extension twice but this time, because of his serious illness of Blood Cancer, his whole attention was on his treatment and therefore, necessary steps could not be taken by him. It is thus, prayed that keeping in view the facts and circumstances of this case, the order dated 8.09.2015 (Annexure P-4) may be quashed and direction may be issued to the respondents to consider his application for renewal of the certificate.

After notice, respondents has filed their reply today in Court and it is submitted by counsel for the respondents that there is discretionary power under the Rules with the respondents to relax the period in which the application could be filed for renewal of the certificate. It is submitted that the delay caused by the petitioner is of 2 months and 29 days.

I have heard both the learned counsel for the parties and after examining the available record, am of the considered opinion that this case has a considerable merit in it as lapse on the part of the petitioner is not deliberate but governed by the strong circumstances as he has been suffering from Blood Cancer detected by the AIIMS hospital, New Delhi. His past conduct shows that he had always been applying for renewal of certificate in time, as a result thereof, two times the certificate was renewed. Moreover, the delay on the part of the petitioner is not of an inordinate which can not be condoned. Consequently, this petition

is hereby, allowed and the impugned order dated 8.09.2015 (Annexure P-4) is set aside. Respondents are directed to consider the application of the petitioner for renewal of the certificate of the Notary, sympathetically within a period of one month from the date of passing of this order.

10th March, 2016**Shivani Kaushik****[Rakesh Kumar Jain]
Judge**