

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 2652 OF 2017

**ASHOK RAJARAM ZARKAR
VERSUS
THE UNION OF INDIA AND ANOTHER**

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Advocate for Petitioner : Kakade N.K. And D R
Markad

Counsel for respondent no.1 : Ms Deepali Jape
AGP for Respondent no.2 : Smt. M.A.Deshpande

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 28th FEBRUARY, 2017

O R D E R :

An application seeking renewal of the Notary license filed by the petitioner is rejected on the ground of limitation.

2. We have heard learned counsel for the petitioner and Ms Deepali Tupe, learned counsel for respondent no.1. It appears

that the petitioner along with the application for renewal of the Notary license had filed application seeking condonation of delay. Rule 8B of the Notaries Rules, 1956 prescribes filing an application for renewal before six months from the date of expiry of its period of validity. Proviso to said Rule empowers the appropriate Government to consider the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specified period, meaning thereby that the appropriate Government is empowered to condone the delay on sufficient cause being shown.

3. It appears that the petitioner has filed an application for condonation of

delay with the application for renewal of license, same transpires from the averments made in the application filed by the petitioner seeking renewal of license. The reasons stated by the petitioner for delay are required to be considered by the appropriate Government in tune with the Proviso to Rule 8 B of the Notary Rules. The order does not spell out the consideration of the reasons stated by the petitioner.

4. In the light of above, we pass following order.

The impugned order is quashed and set aside. The petitioner is relegated before the appropriate Government. The appropriate Government shall decide the application for condonation of delay filed by the

petitioner. In case such an application for condonation of delay is not on record of the appropriate Government then the petitioner may file fresh application for condonation of delay which would be considered by the appropriate Government on its own merits, expeditiously.

5. Writ Petition accordingly disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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