

CWP-12242-2016

Date of Decision : 26.04.2017

Barinder Pal Dewett

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**

**Present:** Mr. R.S. Randhawa, Advocate  
for the petitioner.

Mr. S.K. Mahajan, Advocate  
for respondents.

**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is aggrieved by order Annexure P-3 passed by the Deputy Legal Advisor (Competent Authority Notaries) Ministry of Law and Justice rejecting the application of the petitioner for renewal of certificate of practice of petitioner under Rule 8-B of the Notaries Rules, 1956 read with the Notaries (Amendment) Rules, 2014 being barred by time.

It is an admitted fact that the application for renewal of the certificate of practice was filed on 08.12.2015 whereas it was required to be filed on 17.11.2015. The relevant rule(s) for renewal of the certificate of practice reads as follows:-

*“[8-B. 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.]"*

As per the proviso mentioned herein above, the Appropriate Government after considering the reasons stated in the application, is competent to relax the condition of an application for renewal of certificate of practice, before the period specified in Rule 8-B of the Notaries Rules, 1956 read with the Notaries (Amendment) Rules, 2014.

Learned counsel for the respondents submitted that delay in the present case is more than six months because the application for renewal is required to be filed six months prior to the date of expiry of the certificate.

Be as that it may, the Appropriate Government has got jurisdiction to consider the reasons and relax the condition of submission of application for renewal within the time prescribed. In the present case, the petitioner has put forth two reasons for delay in submission of his application vide Annexure P-2 i.e. he having been a patient of backache, had been advised to take bed rest for two weeks and

that his son suffered from head injury, for which he was being treated in the hospital. Copy of discharge papers from the hospital has been placed on record as Annexure P-4.

Since there are reasons to condone the delay, taking the lenient view I am of the opinion that the discretion to condone the delay has not been appropriately utilized in the present case. By adopting an humane approach, the petition is allowed. A direction is issued that the petitioner, if he fulfills all other conditions for grant of renewal of certificate, would be granted fresh certificate, condoning the delay in submission of the application. Necessary certificate be issued to the petitioner within a period of two months after the receipt of the certified copy of the order.

**(M.M.S. BEDI)**  
**JUDGE**

**26.04.2017**

*Neha*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No