

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

WRIT PETITION NO.14776 OF 2025

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Mr. Bhagwanrao Baburao Salunkhe
Age-67 Years, Occ-Advocate
R/at. 22, Shankar Maharaj Society, Vardhamanpura,
Near Gangadham, Bibwewadi, Pune. ...Petitioner

V/s.

1. The Dy. Legal Advisor and
Competent Authority, Ministry of Law
& Justice, Department of Legal Affairs,
New Delhi
2. State of Maharashtra
Government Pleader
High Court Bombay
3. Union of India
Through Ministry of Law
& Justice, Department of Legal Affairs
Aykar bhavan, Marine Line Mumbai ...Respondent

Mr. Satyajeet Dighe i/b Ms. Anusha Pradhan for the Appellant.

Mr. D. P. Singh for Respondent Nos.1 and 3.

Mr. B. V. Samant, Addl. G.P. a/w Ms. Pooja Joshi Deshpande,
Addl. G. P. for Respondent No.2.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 19TH NOVEMBER, 2025.

Judgment (Per Sandesh D. Patil, J.) :-

1. **Rule.** Rule is made returnable forthwith with the consent of the parties and taken up for final disposal.
2. Mr. D. P. Singh, learned Counsel appearing for Respondent Nos.1 and 3 waives service on behalf of Respondent Nos.1 and 3 and Mr. B. V. Samant, Addl. G. P. along with Ms. Pooja Joshi Deshpande, Addl. G. P. waives service on behalf of Respondent No.2.
3. Heard learned Counsel appearing for the parties.
4. By the present Writ Petition the Petitioner is praying for the following relief:

1. *“(a) This Hon’ble Court may be pleased to direct the Respondents too condone the delay of 35 days in submitting the Petitioner’s application for renewal of his Certificate of Practice as a Notary under the Notaries Act and to consider the same on merits”.*

5. The Petitioner is a practicing Notary Public Licensed by the Government of India vide Registration No. 1023 (File No. 5(48/95-judl). The Petitioner was appointed as a Notary under the Notaries Act, 1952 on 22nd October, 1997. The Certificate of practicing of the Petitioner was renewed from time to time for over five years i.e. on 22nd October, 2000, 22nd October, 2005, 22nd October, 2010, 22nd October, 2015 and 22nd October, 2020. The Certificate of Practice which was granted to the Petitioner on 22nd October, 1997 and which was renewed from time to time expired on 21st October, 2025. The Petitioner had made an application for renewal of the same on 16th May, 2025.

6. The learned Counsel for the Petitioner contends that there was a delay of 35 days in preferring the said application. The learned Counsel for the Petitioner contends that the said delay was caused in as much as the Petitioner is aged about 67

years and was suffering from health issues. The learned Counsel for the Petitioner contends that the Petitioner has been practicing as a Notary since 22nd October, 1997 and that the delay of 35 days which is caused is not intentional but due to circumstances beyond his control. The learned Counsel appearing for the Petitioner submits that vide Notification No. G.S.R. 597 (E) dated 22nd July, 2022, the Notaries Rules, 1956 was amended and following proviso was inserted in Rule 8B of the Notaries Rules, 1956:

“ 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 said period of six months.

Provided further that where an application for renewal of Certificate of Practice is received within one year after the date of expiry of its period of validity, the appropriate Government may, after considering the reasons stated in the application, renew the Certificate of Practice with effect from the date of expiry of its period of validity”.

The learned Counsel for the Petitioner submits that taking into consideration the aforesaid Rules, the application of the Petitioner for renewal of Certificate deserves to be considered

by the Respondent Nos.1 and 3.

7. Mr. D. P. Singh, learned Counsel appearing for Respondent Nos.1 and 3 does not dispute the position that there is an amendment to Rule 8B of the Notaries Rules, 1956 whereby the appropriate Government has been conferred discretion to relax the condition of submission of application for renewal of Certificate of Practice before the period of six months. He states that, the Respondent Nos.1 and 3 will consider the reasons of the delay and pass an appropriate order on the application for renewal of Certificate of the Petitioner dated 16th May, 2025.

8. Taking into consideration the aforesaid facts and having heard the learned Counsels appearing for the Petitioner and Mr. D. P. Singh, learned Counsel appearing for Respondent Nos.1 and 3 and having considered the amendment to Rule 8B of the Notaries Rules, 1956, we are of the opinion that the present Petition deserves to be allowed as undoubtedly after amendment to Rule 8B of the Notaries Rules, 1956, the appropriate

Government has discretion to consider the application of the applicant which is filed beyond time of six months stipulated in Rule 8B. Hence, we allow the Petition by passing the following order:

ORDER

(i) The application of the Petitioner dated 16th May, 2025 shall be considered by the Respondent Nos.1 and 3 strictly in accordance with amendment to Rule 8B of the Notaries Rules, 1956 and the same shall be disposed of expeditiously in any case on or before 19th December, 2025.

(ii) Place the matter for compliance on **24th December, 2025.**

(iii) There shall be no orders as to costs.

9. **Rule** is discharged and the Writ Petition is accordingly, disposed of.

10. All concerned parties to act upon authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

M.Talekar