

(1997) 10 MP CK 0030
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1473 of 1997

Bhogiram Verma	Vs	APPELLANT
Regional Transport Authority, Morena and Others		RESPONDENT

Date of Decision : 21-10-1997

Acts Referred:

Central Motor Vehicles Rules, 1989 — Rule 88(2)
Motor Vehicles Act, 1988 — Section 79

Citation : (1998) 1 ACC 527 : AIR 1998 MP 142 : (1998) 2 MPLJ 39

Hon'ble Judges : Tejinder Singh Doabia, J

Bench : Single Bench

Advocate : Arvind Dudawat, for the Appellant; R.K. Vashistha, A.A.G., for the Respondent

Judgement

T.S. Doabia, J.

Petitioner by Shri Arvind Dudawat, Advocate. Respondents No. 1 and 2 have been served, but no one has put in appearance on their behalf.

Shri R. K. Vashistha, Additional Advocate General, has put in appearance on behalf of respondent No. 3.

As only Rule 88 of the Rules, namely, Central Motor Vehicles Rules of 1989 is required to be interpreted, necessity to file written statement is dispensed with.

The contention of the learned counsel for the petitioner is that he is driver-cum-owner of multi-axle goods carriage. This vehicle as per him was put on the road in the year 1985. According to him, this vehicle can remain on the road for 15 years. The outer limit according to him would be the year 2000.

There appears to be apparent merit in the contention of the learned counsel for the petitioner. Rule 88 restricts putting on road of a carriage, which is more than 12 years old. This is so provided in Rule 88(1). However, in the case of multi-axle goods carriage, a specific provision has been made in Rule 88(2), which reads ,as

under:--

"88. Age of Motor Vehicle for the purpose of National permit-- (1) No National permit shall be granted in respect of a goods carriage other than multi-axle vehicle, which is more than twelve years old at any point of time.

(2) No National permit shall be granted for a multi-axle goods carriage, which is more than 15 years old at any point of time."

A plain reading of the aforementioned Rules makes it apparent that multi-axle goods carriage can be permitted to be on the road for a period of 15 years. The period of 15 years is to be computed from the date of initial registration of the motor vehicle covered under the permit. This is also provided under the explanation to Rule 88.

As such, the Secretary, Regional Transport Authority would look into this aspect of the matter. If the factual assertion made by the petitioner is found to be correct than requisite approval would be allowed.

Disposed of accordingly.

Certified copy as per rules.