
(2003) 03 MP CK 0015
In the Madhya Pradesh High Court

Phoolmati Bai and Others

APPELLANT

Vs

Mohd. Azad and Others

RESPONDENT

Date of Decision : 27-03-2003

Acts Referred:

General Clauses Act, 1897 — Section 6A
Motor Vehicles Act, 1988 — Section 140
Repealing and Amending Act, 2001 — Section 4

Citation : (2005) 3 ACC 593 : (2003) 2 MPJR 394

Hon'ble Judges : Ajit Singh, J

Bench : Single Bench

Judgement

Ajit Singh, J.

This appeal, by the claimants, is directed against the interim award dated 2.12.2002 passed in Claim Case No. 63 of 2002 by the Motor Accident Claims Tribunal, Kami, whereby only a sum of Rs. 25,000/- has been awarded on the ground that by Repealing and Amending Act, 2001, the Motor Vehicles (Amendment) Act, 1994 has been repealed and, therefore, the provisions of Motor Vehicles Act, 1988 prior to amendment of 1994 are applicable.

The claimants are wife and parents of the deceased Dayaram. On the intervening night of 4/5.5.2002 Dayaram was run over by a truck while he was sleeping by the side of road. He died on the spot. The said truck was being driven by the driver respondent No. 1. The truck is owned by the respondent No. 2 and insured with the respondent No. 3.

The appellants filed a claim petition for compensation along with an application u/s 140 of Motor Vehicles Act, 1988 for grant of compensation of Rs. 50,000/- against the respondents on the principle of "no fault liability".

Learned Tribunal awarded a sum of Rs. 25,000/- only as interim compensation and rejected the claim for the remaining amount on the ground that by Repealing and Amending Act, 2001, Motor Vehicles (Amendment) Act, 1994 has been

repealed and, therefore, the provisions of the Motor Vehicles Act, 1988 prior to amendment of 1994 have come into force and only a sum of Rs. 25,000/- is payable in respect of death of any person u/s 140 of the Act.

The object of Repealing and Amending Act is not to bring in any change in law but to remove enactments which have become unnecessary. Mostly, they expurgate Amending Acts, because having imparted the amendment to the main Acts, those Acts have served their purpose and have no further reason for their existence. The repeal of an Amending Act, therefore, has no repercussion on the parent Act which together with the amendments remains unaffected. The legal position is clear by reading Section 6A of General Clauses Act, 1897 and Section 4 of the Repealing and Amending Act, 2001 that the repealing of the Amending Act does not affect the amendment made in Section 140 of the Motor Vehicles Act, 1988. This view of the effect of Repealing and Amending Act is also concluded by a decision of the Apex Court rendered in the case of Jethanand Betab Vs. The State of Delhi (Now Delhi Administration), .

In view of the aforesaid, the appeal is allowed and it is directed that the respondent Nos. 1, 2 and 3 shall, jointly and severally, pay interim compensation to the extent of Rs. 50,000/- in favour of the appellants within two months from today. The impugned interim award is modified accordingly.

CC as per rules.