

(2022) 12 KL CK 0063
In the High Court Of Kerala
Case No : Writ Petition (C) No. 39347 Of 2022

Shiny Jolly

APPELLANT

Vs

Joint Regional Transport Officer (Registering Authority) North
Parur, Sub Regional Transport Office, North Parur, Ernakulam
683513

RESPONDENT

Date of Decision : 06-12-2022

Acts Referred:

Motor Vehicles Act, 1988 — Section 40, 43

Citation : (2022) 12 KL CK 0063

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : P.Deepak, Nazrin Banu, Justin Jacob

Final Decision : Disposed Of

Judgement

Amit Rawal, J

1. Petitioner has purchased a MERCEDEZ-BENZ (GLE 300 D 4 MATIC LWB) car from respondent No.2 and paid the tax as well as the insurance much less the charges for a temporary registration. The grievance as expressed is that on the instructions of the RTO, Respondent No.1, Respondent No.2 is not releasing the vehicle and insisting for registration of the vehicle whereas the petitioner as per the provisions of Section 43 of the Motor Vehicles Act has expressed desire to opt for a Fancy number.

2. Learned Government Pleader accepts notice and submits that proper direction may be issued to the respondent No.2 to release the vehicle.

3. I have heard the learned counsel for the parties and appraised the paperbook. Section 43 of the Motor Vehicles Act reads as under:

43. Temporary Registration- Notwithstanding anything contained in Section 40, the owner of a motor vehicle may apply to any registering authority or other

authority as may be prescribed by the State Government to have the motor vehicle temporarily registered and such authority shall issue a temporary certificate of registration and temporary registration mark in accordance with such rules as may be made by the Central Government.

Provided that the State Government may register a motor vehicle that plies, temporarily, within the State and issue a certificate of registration and registration mark for a period of one month in such manner as may be prescribed by the State Government.

It is clear that the person, who is opted for a fancy number, need not get the vehicle registered through the offices of the dealer before delivery of the vehicle, as temporary registration charges have been paid and the vehicle can be released by putting a temporary registration number which is having a validity upto 1st of June 2023 as per Ext.P2. Accordingly, respondent No.1 is directed to issue directions to the respondent No.2 to release the vehicle lying in the show room of the respondent No.2 in view of the fact that it has already been assigned a temporary registration number, forthwith. Writ petition stands disposed of.