

**(2003) 03 MP CK 0046**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Appeal No. 2077 of 2002**

Smt. 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

**Citation : (2005) ACJ 951 : (2003) 3 MPHT 352**

**Hon'ble Judges : Ajit Singh, J**

**Bench : Single Bench**

**Advocate : Sharad Gupta, for the Appellant; Surendra Gangele, for the Respondent**

**Final Decision : Allowed**

## **Judgement**

Ajit Singh, J.—This appeal, by the claimants, is directed against the interim award dated 2-12-2002 passed in Claim Case No. 63/2002 by the Motor Accident Claims Tribunal, Katni, 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been awarded on the ground that by Repealing and Amending Act, 2001, the Motor Vehicles (Amendment) Act, 1994 has been repealed and, therefore, the provisions of Motor Vehicles Act, 1988 prior to amendment of 1994 are applicable.

2. The claimants are wife and parents of the deceased Dayaram. On the intervening night of 4-5-2002 and 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.

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

4. The 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amount on the ground that by Repealing and Amending Act, 2001, the Motor Vehicles (Amendment) Act, 1994 has been repealed and, therefore, the provisions of the Motor Vehicles Act, 1988 prior to amendment of 1994 have come into force and only a sum of Rs. 25,000/- is payable in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.

5. The object of Repealing and Amending Acts 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 the 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 Acts is also concluded by a decision of the Supreme Court rendered in the case of *Jethanand Betab Vs. The State of Delhi (Now Delhi Administration)*, .

6. 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. C.C. as per rules.