



SUPREME COURT ON
LAW RELATING TO
MOTOR VEHICLES
1950—1980

by
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Gold Medalist
Chief Editor : Supreme Court Cases



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Case-law in text alongwith addenda covered upto June, 1980

Price Rs. 45·00

Reprinted from Malik : The Complete Digest of
Supreme Court Cases, Vol. XI

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Published by Eastern Book Company, 34, Lalbagh, Lucknow-226001
and Printed at Law Times Press, 56/C, Singar Nagar, Lucknow-226005

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Addenda

LATEST CASE LAW ON MOTOR VEHICLES ACT, 1939

—**S. 3(2)—Vehicles passing through Karnataka State en route to other States, held, not 'kept' in State within meaning of the section—**A vehicle in transit through the State of Mysore, or even making a necessary halt for a short interval, during transit, cannot be said to be a vehicle 'kept' for use on roads in the State of Mysore.

The word 'kept' has not been defined in the Act. It must therefore be interpreted in its ordinary popular sense consistent with the context. The ordinary dictionary meaning of the word 'keep in' is 'to retain', 'to maintain' or 'cause to stay or remain in a place' or 'to detain' or, 'to stay or continue in a specified condition, position, etc.'. In association with the use of vehicles, therefore, the word 'kept' has an element of stationariness. It is something different from a mere state of transit or a course of journey through the State. It is something more than a mere stoppage or halt for rest, food or refreshment, etc. in the course of transit through the territory of the State. *State of Mysore v. T. V. Sundaram Iyengar and Sons (P) Ltd.*, (1980) 1 SCC 66.

—**S. 31 (as it stood in 1956)—Obligation on transferee of motor vehicle to report to the registering authority concerned regarding transfer — Transferee, having registration papers and sale memo, failing to move the registering authority—Held, he cannot claim for refund of the purchase money or damages from the transferor.** *Panna Lal v. Shri Chand Mal*, (1980) 2 SCC 314.

—**S. 51(2)(x)—Provision empowering R.T.A. to impose "any other conditions which may be prescribed" while granting contract carriage permit—Said provision and condition imposed in permit that the vehicles used shall not be more than seven years old, held, not ultra vires S. 51(2)**

Held :

The prescription that the bus shall be at least a seven year old model is relevant to the condition of the vehicles and the passengers' comparative safety and comfort on our chaotic highways. *Subash Chandra v. State of U. P.*, (1980) 2 SCC 224.

—**Ss. 95 and 96 (2)—Motor Accident—On facts held, proved that the truck in question had been driven by its driver in a rash and negligent manner and had run over and killed the deceased—On facts held, not proved that driver did not possess driving licence—Truck owner and insurer held liable—Compensation fixed.** *Bishan Devi v. Sirbaksh Singh*, (1980) 1 SCC 273.

—**Ss. 110-A, 110-B and 110-D—Motor accident—Many losing limbs while travelling in the bus belonging to nationalised transport system—**

On facts, held, doctrine of res ipsa loquitur was rightly upheld, and State Road Transport Corporation held liable—Held, quantum of compensation rightly fixed by courts below—Need stressed for nationalised transport undertaking to have greater reverence for human life and to settle compensation claims expeditiously instead of indulging in wasteful litigation—Motor Vehicles Act, 1939, Ss. 110-A, 110-B and 110-D. *Rajasthan State Road Corpn. v. Narain Shanker*. (1980) 2 SCC 180.

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