

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5227 OF 2003

K.M. ISMETH UMMER & ANR.

Appellant (s)

VERSUS

REGIONAL TRANSPORT AUTHORITY & ANR.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 8862 of 2003

(With office report)

Date: 04/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Mathai M. Paikeday, Sr. Adv.  
Mr. Shishir Pinaki, Adv.  
Mr. P.I. Jose, Adv.

Mr. K. Radhakrishnan, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Mr. Shewantak, Adv.  
For M/S. Lawyer'S Knit & Co

For Respondent(s) Mr. G. Prakash, Adv.  
Mr. Senthil, Adv.  
Mr. Ramesh Babu M.R., Adv.

Ms. Rakha Pandey, Adv.  
Ms. Asha G. Nair, Adv.  
Mr. R.S. Nagar, Adv.  
Mr. Shailinder Sain, Adv.  
Mr. Rohitesh Nagar, Adv.  
Mr. D.S.Mahra, Adv.  
Mrs Anil Katiyar ,Adv

:1:

UPON hearing counsel the Court made the following  
O R D E R

Civil Appeal No. 5227 OF 2003

The Appeal is dismissed accordingly. No costs.

Civil Appeal NO. 8862 of 2003

In view of the order made in Civil Appeal No. 5227 OF  
2003, this Appeal also stands dismissed. No costs.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)

:2:

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5227 OF 2003

K.M. ISMETH UMMER & ANR.

Appellant (s)

VERSUS

REGIONAL TRANSPORT AUTHORITY & ANR.

Respondent(s)

WITH

Civil Appeal NO. 8862 of 2003

O R D E R

Civil Appeal No. 5227 OF 2003

Heard the learned counsel for the parties.

This Appeal, by special leave, has been filed against the impugned judgment of the Kerala High Court dated 28.03.2001.

The facts of the case have already been mentioned in the impugned judgment and hence we are not repeating them here.

The short controversy in this case is whether the Regional Transport Authority can prescribe that a stage carriage which is more than 15 years old cannot ply.

Mr. K. Radhakrishnan and Mr. Mathai M. Paikeday,

learned senior counsel for the appellants, submitted that

under Section 59 of the Motor Vehicles Act, 1988 only the Central Government can fix the age limit of vehicles. We

do not agree.

Under Section 72(2) of the Motor Vehicles Act, 1988 the Regional Transport Authority may grant the permit for a stage carriage of a 'specified description'. The expression 'specified description' is very wide and, in our opinion,

this would include fixing the age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicles can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act, 1988 are perfectly justified in placing such a restriction for grant of the permit.

The Appeal is dismissed accordingly. No costs.

Civil Appeal NO. 8862 of 2003

In view of the order made in Civil Appeal No. 5227 OF 2003, this Appeal also stands dismissed. No costs.

.....J.  
(MARKANDEY KATJU)

.....J.  
(T.S. THAKUR)

NEW DELHI  
AUGUST 04, 2010.