

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 749/2007

Date of Decision: 31st March, 2008

NEERAJ & ORS. Petitioner
! Through: Mr. Manish Maini, Adv.

versus

\$ UOI Respondent
^ Through: Mr. Vineet Malhotra, Adv.

% **CORAM:**
HON'BLE MR. JUSTICE T. S. THAKUR
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

1. Whether reporters of local papers may be allowed to see the judgment? **Not necessary.**
2. To be referred to the Reporter or not? **Not necessary.**
3. Whether the judgment should be reported in the Digest? **Not necessary.**

J U D G M E N T

Per Thakur, J(oral)

1. Section 163-A of the Motor Vehicles Act empowers the Central Government to amend, from time to time, the Second Schedule to the said Act, keeping in view the cost of living, by issuing a suitable notification in the Official Gazette. The petitioner's grievance in the present writ petition is that despite lapse of considerable period and a significant rise in the cost of living, the Government have not revised the Second Schedule in exercise of the powers vested in it under the said provision. They have, therefore, prayed for a mandamus directing the

respondent to amend, within a fixed time frame, the said Schedule and also rectify and remove errors noticed in the same.

2. In response to a notice issued by this Court, Mr. P. P. Malhotra, learned ASG had appeared and was given time to take instructions whether the Government were revising the Second Schedule in terms of the above provisions. Mr. Vineet Malhotra, counsel appearing on behalf of respondent today draws our attention to two communications, one dated 5th March, 2008 and the second dated 14th March, 2008. In first of these communications, Mr. P. P. Malhotra has written to Secretary, Ministry of Surface Transport, whether the Government are ready to undertake an exercise in keeping with the spirit of Section 163-A(3). The letter points out that the petitioner does not ask for a comprehensive amendment of the Law but simply a revision of the Second Schedule in exercise of the powers which is admittedly vested in the Central Government.

3. By second communication, Sh. Anand Prakash, Director, Ministry of Shipping, Road Transport and Highways has informed Mr. Malhotra that the Union Cabinet has already cleared an amendment to the Motor Vehicles Act, 1988 which was introduced in the Rajya Sabha on 15th May, 2007 and is presently under the consideration of the Standing Committee on Tourism, Transport and Culture. The communication further points out that the proposal contained a comprehensive amendment to the Act and the Second Schedule thereby enhancing the compensation awardable to road accident victims. It also envisages revision and upgradation of the amount in the Second Schedule including upward

revision of the annual income and amount of compensation payable to the victim. In the circumstances, therefore, and in keeping in view the proposal for a comprehensive amendment already under consideration of the Standing Committee of the Parliament, we see no reason for the present to intervene or issue any direction as prayed for. We, however, give liberty to the petitioner to file a fresh petition or have the present proceedings revived if no fruitful steps are taken by the respondents in the direction of a suitable revision/amendment of the Schedule within a reasonable time. The writ petition is, with the above observation, disposed of. No costs.

T. S. THAKUR, J.

SIDDHARTH MRIDUL, J.

MARCH 31, 2008
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