

SABIR HUSSAIN AND ANR.

A

v.

STATE OF U.P. AND ORS.

NOVEMBER 30, 1995

[K. RAMASWAMY AND S.B. MAJMUDAR, JJ.]

B

*Motor Vehicles Act, 1939 : Sections 68C, 68D.*

*Approved scheme—Omission to specify number of services—Held does not invalidate the scheme.*

C

The question in these appeals is whether omission to specify number of services would invalidate the scheme already approved under the Motor Vehicles Act, 1939.

Dismissing the appeals, this Court

D

HELD : The omission to specify the number of services in the approved scheme does not invalidate the scheme already approved. [16-B]

*Ramesh Chand v. State of U.P., [1980] 1 SCR 498, relied on.*

E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3487 of 1979 Etc.

From the Judgment and Order dated 5.10.79 of the Allahabad High Court in C. Misc. W.P. No. 1567 of 1978.

F

Appellants-in-person (N/P).

K.S. Chauhan and R.B. Misra for the Respondent.

The following Order of the Court was delivered :

G

Though the case has been called twice, the appellants are not present in person. We have taken the assistance of Shri K.S. Chauhan, learned counsel appearing for the State.

The controversy raised in this case is covered by the Judgment of this Court in *Ramesh Chand v. State of U.P., [1980] 1 SCR 498* where this

H

- A Court had held that "failure to specify number of services would not invalidate the draft scheme under Section 68C or the approved scheme under Section 68D of the Motor Vehicles Act, 1939". Same is the question in these appeals also. Under these circumstances, the omission to specify the number of services in the approved scheme does not invalidate the scheme already approved.
- B

The appeals are accordingly dismissed but in the circumstances without costs.

T.N.A.

Appeals dismissed.