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

+ W.P.(C) 5708/2012

RITA SEHGAL & ORS.

..... Petitioners

Through: Mr. Kanwal Chaudhary, Advocate
Mr. Rohit Sehgal, Petitioner-4 in
person

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Inspector Kuldeep Singh, PS
Vikarspuri

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

11.01.2023

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1. The instant Writ Petition has been filed by the legal heirs of late Sh. Dinesh Sehgal, who died in a road accident on 22.08.2011, caused by an uninsured vehicle, i.e. a tractor, raising serious concerns in respect of accidents caused by the uninsured vehicles and in hit and run cases.
2. The Writ Petition was filed in the year 2012 with the following prayers:

“(I) To pass an appropriate writ, order or direction In the nature of writ of mandamus thereby directing the Respondents to Implement various provisions of Motor Vehicles Act, 1988 and Rules framed thereunder and Implement various orders/directions/advisories passed from time to time by the Hon'ble Supreme Court of India and this Hon'bie Court by way of Its judicial

pronouncements;

(II) To pass an appropriate writ, order or direction In the nature of writ of mandamus thereby directing the Respondents to compensate the petitioner and/or such other victims of the road accidents for the loss suffered by them due to non Implementation of the provisions of the Motor Vehicles Act and Rules framed thereunder;

(III) To pass an appropriate writ, order or direction In the nature of writ of mandamus thereby directing the Respondents to place before this Hon'bie Court the data of accidents caused by uninsured vehicles or by a person driving the offending vehicle without driving license and the steps taken thereof to eradicate such menace and for prosecution of such offenders since the year 2009;

(IV) To pass an appropriate writ, order or direction In the nature of writ of mandamus thereby directing the Respondents to explain the measures adopted by them so far since the year 2009 to curb the menace of uninsured vehicles plying on road, driving motor vehicle without effective and valid driving license; fake driving licenses and drunken driving;

(V) To pass such other and further orders as this Hon'ble Court may deem necessary and proper on the facts and In the circumstances of the case.”

3. The Petitioner herein has prayed for a writ of mandamus directing the Respondents to implement various provisions of Motor Vehicles Act, 1988. The Petitioner has also sought for various amendments under the Motor Vehicles Act, 1988 in order to ensure that a victim gets compensation even if the accident is caused by an uninsured vehicle and in hit and run cases.

4. Learned Counsel for the Petitioner has drawn the attention of this

Court to Motor Vehicles (32nd Amendment) Act, 2019 which inserted Sections 145-165 to the Motor Vehicles Act, 1988, to submit that now a scheme is in place for granting compensation to the road accident victims even if the accident causing vehicle is uninsured. He states that the statute provides for compensation to the road accident victims even if the accident causing vehicle is uninsured, however, the Government has yet not framed any rules or guidelines in this respect.

5. Learned Counsel for the Union of India was fair enough in stating that that amendment has come into force with effect from 01.04.2022 and, therefore, some breathing time be granted to the Union of India to ensure implementation of Sections 145-165 of the Motor Vehicles (32nd Amendment) Act, 2019 throughout the country. He prays for six months' time to do the needful.

6. Resultantly, as the statute provides for a remedy for grant of compensation to the road accident victims even if the accident causing vehicle is uninsured as well as in the accidents caused by hit and run cases, Union of India is granted six months' time to enforce the provisions which are now in the statute books.

7. With the aforesaid, the instant Writ Petition is disposed of along with the pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JANUARY 11, 2023/Rahul