

In the present case, it is found that the defendant has not shown the partnership to the plaintiff for the last so many years. Further, it is found that the business is being run at a loss and in spite of the fact that notice was given on the defendant terminating the partnership, he continued the business. Hence, I agree with the Appellate Court that it is a case where a receiver should be appointed for the dissolution of the partnership. Accordingly, the order in C.M.A. No.33/96 is confirmed and the Civil Revision is dismissed.

1998 (2) K.L.J. 263

IN THE HIGH COURT OF KERALA

Present: P.A. Mohammed & B.N. Patnaik, JJ.

Chandran v. State of Kerala & Ors.

Motor Vehicles Act, 1988 -- Sec.110(1)(d) -- Prohibition of Tinted Safety Glasses -- Since no such indication is given in the Rules, there is a total prohibition.

Though Section 110 does not define the words 'safety glasses' the meaning of the said words is contained in Rule 100. In this context it has to be noted that though Section 110(1)(d) also authorises the framing of rules with a prohibition of the use of tinted safety glasses no rule has been brought in this behalf. No indication is given in Chapter V of the Rules as to what is meant by the words 'tinted safety glasses' or as to the manner in which they are to be used on the motor vehicles. It cannot therefore be said that there is a prohibition of the use of tinted safety glasses. That Section 110(1)(d) empowers the Central Government to frame rules with regard to prohibition of tinted safety glasses does not mean that there is a total prohibition of tinted safety glasses till the rule is framed in that behalf. (para.9)

Central Motor Vehicles Rules, 1989 -- Rule 100 -- The word 'safety glasses' -- Meaning of.

Held:--The word 'privacy' means a state of being, private or in retirement; seclusion; secrecy or solitude. The phrase 'right to privacy' is used in the case law to refer to the right which an owner of a house may have under the custom to the seclusion of his near apartments from the view of his neighbours. Under the Indian Easement Act, such a right may be acquired by local custom in those parts of the country where the custom of seclusion of women prevails.

Central Motor Vehicles Rules, 1989 -- Rule 100 -- If violation of Art.21 of the Constitution of India -- Once the right to privacy is established, it is protected under Art.21.

Held:--The 'right to privacy' as such has not been expressly recognised in the Indian Constitution. However, this right can be claimed by individuals under Arts. 19 and 21 of the Constitution. The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Art.21. It is a right to be let alone". A citizen has a right to safeguard the privacy of his own family, marriage procreation, motherhood, child-bearing and education among other matters. When the right to privacy is established it may be possible for the petitioners to argue that there is violation of Art.19(1)(d) and (g) or Art.21.

(paras. 13, 14)

V. Ramachandran

For Appellant

**C.G.S.C. (George C.P. Tharakan) &
Govt. Pleader (P.K. Santhamma)**

For Respondent

JUDGMENT

Mohammed, J.

The issues involved in these two cases are identical and hence they are being dealt with and disposed of by this common judgment.

2. The main question relates to the interpretation of the provisions contained in Rule 100 of the Central Motor Vehicles Rules, 1989 (for short 'the Rules') dealing with safety glass on wind screens and windows of motor vehicles. Section 110(1)(d) of the Motor Vehicles Act, 1988 (for short 'the Act') authorises the Central Government to make rules with respect to the use of safety glass.