

**Pawan Fitness Centre Vs. State and ors**

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**SooperKanoon Citation :** [sooperkanoon.com/1027723](http://sooperkanoon.com/1027723)

**Court :** Rajasthan Jodhpur

**Decided On :** Sep-10-2013

**Appellant :** Pawan Fitness Centre

**Respondent :** State and ors

**Judgement :**

[1] IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR  
ORDER S.B. CIVIL WRIT PETITION NO.11441/2013 Pawan Fitness Center,  
Bhilwara Versus State of Rajasthan & Ors. Date of Order :

10. 09.2013 PRESENT HON'BLE MR. JUSTICE GOVIND MATHUR Mr. Rajesh Joshi for the petitioner Dr. Pratishtha Dave for the respondents BY THE COURT : Issue notice to the respondents. Under the instructions of the court, learned counsel Dr. Pratishtha Dave accepts notice on behalf of all the respondents. Service, as such, is sufficient. Looking to the narrow amplitude of the controversy involved in this petition for writ, the same is heard finally at this stage itself. While exercising powers under Rule 69 of the Motor Vehicle Rules, 1989, the Regional Transport Officer, Chittorgarh suspended the licence of the petitioner to run a fitness center at Bhilwara. To challenge the order of suspension, the petitioner preferred an appeal as per Rule 70 of the Rules of 1989, but the Additional Transport Commissioner (Road Safety), Rajasthan [2] dismissed the same being barred by limitation. It is submitted by learned counsel for the petitioner that the delay in filing the appeal occurred due to certain bonafide reasons and beside that, if the appeal is not considered on merits, then the order of suspension, which is

apparently bad, shall remain in currency for indefinite period. Having considered all facts of the case, without entering into the merits of the order suspending the licence of the petitioner to run fitness center, I deem it appropriate to direct the respondents to consider and dispose of the appeal of the petitioner on merits. Accordingly, this petition for writ is disposed of. The order dated 28.05.2013 passed by the Additional Transport Commissioner (Road Safety), Rajasthan is quashed. The Additional Transport Commissioner (Road Safety), Rajasthan is directed to consider appeal of the petitioner on merits expeditiously as far as possible within a period of two months from today. [GOVIND MATHUR],J.

Pramod

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