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

Decided on: 28th August, 2017

+ **MAC.APP. 436/2017 and CM APPL.10731-17032/2017**

VIKAS KUMAR & ANR Appellants

Through: **Mr. Anshuman Bal, Advocate**

versus

IFFCO TOKIO GENERAL INSURANCE CO LTD & ORS

..... Respondents

Through: **Mr. A.K.Soni, Advocate with
Mr. Pawan Kumar, Adv. for
R-1.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On accident claim case (MACT No.496/2011) instituted on 14.12.2011 by the appellants invoking Section 163-A of the Motor Vehicles Act, 1988, the Motor Accident Claims Tribunal (the tribunal), while awarding compensation under the structured formula on the principle of no-fault liability, by judgment dated 26.09.2016, deducted 25% on account of contributory negligence. It is this deduction which is the cause for grievance agitated through the appeal at hand.

2. The learned counsel for the insurance company (the first respondent) on which the liability to pay has been fastened has appeared on advance notice and fairly concedes that in determining

compensation on principle of no-fault liability, the question of negligence would not arise (See: *Anarkali vs. ICICI Lombard General Insurance Company Limited & Anr.*, MAC APP.733/2015, decided on 03.11.2016).

3. Thus, the impugned judgment is modified. It is directed that the amount of compensation thereby determined in the total sum of Rs.4,28,667/- (Rupees Four Lakhs Twenty Eight Thousand Six Hundred Sixty Seven Only) shall be paid to the appellants/claimants with corresponding interest, without any deduction.

4. The appeal along with accompanying applications stands disposed of in above terms.

AUGUST 28, 2017
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R.K.GAUBA, J.

न्यायमेव जयते