

\$~R-616

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 1st December, 2017

+ MAC. APPEAL No.1083/2012

SAVITA PAWAR

..... Appellant

Through: Mr. Sanjeev Srivastava,
Advocate

versus

THE ORIENTAL INSURANCE COMPANY LIMITED & ANR.

.....Respondents

Through: Mr. R.K. Tripathi, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellant was the claimant before the tribunal in a motor accident claim case (Suit No.771/10), instituted by her on 12.04.2007, seeking compensation for the injuries suffered in a motor vehicular accident that took place on 25.02.2007. The tribunal, by judgment dated 06.01.2012, held the second respondent, the driver-cum-owner of the motorcycle bearing registration No.DL-3S-AN-1090 to be negligent. It, however, also found the claimant to be guilty of contributory negligence since she had attempted to cross the road from a place where there was no zebra-crossing available, and assessed the contributory negligence to be to the extent of forty per

cent (40%) and, thus, while computing the compensation in the total sum of Rs.3,00,000/-, directed the first respondent, the insurer of the offending vehicle, to pay only sixty per cent (60%) of the said amount.

2. The appeal is pressed only on the question of contributory negligence.

3. Having heard the learned counsel on both sides, this court is of the view that in the given facts and circumstances, the contributory negligence deserves to be reduced to ten per cent (10%).

4. Ordered accordingly.

5. The insurance company is directed to pay Rs.2,70,000/- (Rupees Two Lacs Seventy Thousand Only) as compensation with corresponding interest.

6. The insurance company is directed to satisfy the modified award by requisite deposit of the balance of its liability with the tribunal within thirty days.

7. The appeal stands disposed of in above terms.

न्यायमेव जयते

R.K.GAUBA, J.

DECEMBER 01, 2017

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