

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

FAO No.2511 of 2013 (O&M)

Date of Decision : 26.07.2018

The New India Assurance Company Ltd.

..... Appellant

Versus

Reenu Kumari Parmar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. R.C.Gupta, Advocate
for the appellant.

Ms. Prabhjot Kaur, Advcoate
for respondents No.1 to 3.

Mr. Manpreet Singh Longia, Advocate
for respondents No.5 (a) to 5 (e).

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 19.02.2013 passed by Motor Accident Claims Tribunal, Rupnagar awarding a sum of Rs.7,35,000/- for the death of Manjit Singh in an accident which took place on 11.12.2011. Since a very limited point has been raised further detailed reference to the facts is not necessary.

The precise contention raised by the learned counsel for the appellant-Insurance Company is that there would definitely be some contributory negligence (even if 10-20%) on the part of the deceased.

Learned counsel for the claimants has argued that even if this argument is accepted and 10-20% negligence is attributed to the deceased yet on computing the compensation in terms of the judgment of the Supreme Court passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, the net result would be by and large the same, rather some amount may even have to be increased.

Learned counsel for the appellant-insurance company is not in a position to deny this argument.

In the circumstances, I deem it appropriate not to interfere with the award.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

26.07.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No