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

+ **MAC.APP. 808/2019**

TARAWATI

..... Appellant

Through: Mr.D.K. Sharma, Advocate

versus

**INDER SINGH & ORS (BAJAJ ALLIANZ
GENERAL INSURANCE CO. LTD)**

..... Respondents

Through: Mr.A.K. Soni, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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02.03.2020

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.16,70,816/- has been awarded to respondent No.1.
2. On 11th July, 2018, late Ramjeet was driving a closed body rickshaw fitted with the scooter body when he was hit by the offending vehicle which resulted in the accident. The deceased was not having any driving licence. The Claims Tribunal held the deceased guilty of contributory negligence on the ground that he had converted a two-wheeler scooter into a closed body rickshaw.
3. Learned counsel for the appellant submits that there was no contributory negligence on the part of the deceased which is disputed by learned counsel for respondent No.3. Learned counsel for the appellant further submits that the compensation for loss of love and affection be enhanced. It is further submitted that the no compensation awarded for loss

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of consortium.

4. This Court is of the view that there is no infirmity in the impugned award. The deceased had illegally converted a two-wheeler scooter into a closed body rickshaw and was not even having a driving licence. The negligence of the deceased was more than 20% and therefore, no enhancement of the award amount is warranted.

5. The appeal is dismissed.

J.R. MIDHA, J.

MARCH 02, 2020

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