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

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Date of Decision: 28th February, 2020

+ MAC.APP. 1015/2017 & CM Appl. 41906/2017

UNIVERSAL SOMPO GEN INS CO LTD Appellant
Through: Mohd. Mustafa, Advocate

versus

POONAM & ANR Respondents
Through: Mr.Kapil Kishor Kaushik, Advocate
for R-1 & R-2

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.9,79,770/- has been awarded to respondents No.1 and 2.
2. The accident dated 13th June, 2015 resulted in the death of Aman. The deceased aged about 15 years was driving motorcycle when he was hit by the offending bus.
3. Learned counsel for the appellant submits that the deceased was minor aged about 15 years and he was not having any driving license. It is further submitted that he was not even wearing a helmet. It is further submitted that the deceased was contributory negligent and therefore, the compensation amount is liable to be reduced.

4. The learned counsel for the respondents No.1 and 2 submits that the deceased was not a contributory negligent. However, it is not disputed that the deceased was aged 15 years and was not wearing a helmet.
5. This Court is of the view that in the peculiar facts and circumstances of this case, the compensation awarded by the Claims Tribunal is liable to be reduced by 30%.
6. The appeal is allowed and the compensation awarded by the Claims Tribunal is reduced to 70% of the award amount along with interest thereon. Pending application is also disposed of.
7. The appellant has already deposited 70% of the award amount along with interest which has been released to respondents No.1 and 2 vide order dated 11th January, 2019.
8. The statutory amount of Rs. 25,000/- deposited by the appellant be released to respondents No.1 and 2 as litigation cost. The Registry shall transfer the statutory amount along with interest accrued thereon to respondent No.1 by transferring the same to her savings bank account mentioned in para 1 of the order dated 11th January, 2019.
9. Copy of this judgment be given *dasti* to counsel for the parties under signature of Court Master.

J.R. MIDHA, J.

FEBRUARY 28, 2020

so/ds