

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107-B

FAO-6620-2015 (O&M)

Date of Decision : 20.02.2024

SURESH DEVI & ANR.

.... Appellants

VERSUS

DHARAMBIR SINGH @ MINTU THROUGH LRS
BANARSI DEVI & ANR. & ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar Yadav, Advocate for the appellants.

Mr. J.P. Sharma, Advocate for respondents No.1 and 2.

Mr. Sandeep Suri, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J. (ORAL)

CM-20623-CIL-2015

This is an application under Section 5 of the Limitation Act for
condonation of delay of 15 days in refiling the appeal.

For the reasons stated in the application, the same is allowed.

Delay of 15 days in refiling the appeal is condoned.

FAO-6620-2015

1. This is an appeal preferred by the driver and owner against the
award dated 14.05.2015 passed by the Motor Accident Claims Tribunal,
Narnaul.

2. The only grouse is that the Tribunal has held this to be a case of
contributory negligence and held both the riders of the motorcycles
responsible. However, the payment of the compensation has been fastened

upon the owner and the driver and the Insurance Company in equal portions.

Learned counsel for the appellants would contend that once it was a case of contributory negligence the owner and driver would be jointly and severely liable with the Insurance Company to the extent of 50% only and the other 50%, since it has been attributed to the rider, would be on the claimants.

3. Learned counsel for respondents No.1 and 2 is not in a position to dispute the fact that the Tribunal has held it to be a case of contributory negligence to the extent of 50% and that there seems to be a typographical mistake in the conclusion given by the Tribunal.

4. Heard.

5. In view of the above, the appellants would be held jointly and severely liable to pay the compensation to the extent of 50% with the Insurance Company. The present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

20.02.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO