



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

**251**

**FAO-668-2016 (O&M)**

**Date of Decision : 19.05.2025**

SURESH DEVI & ANR.

.... Appellants

VERSUS

RATTAN SINGH & ANR

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

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

Mr. J.P. Sharma, Advocate for respondent No.1.

None for respondent No.2.

**ALKA SARIN, J. (ORAL)**

**CM-1992-CII-2016**

1. This is an application under Section 151 CPC for condonation of delay of 63 days in refiling the appeal.

2. For the reasons stated in the application, the same is allowed. Delay of 63 days in refiling the appeal is condoned.

**CM-1993-CII-2016**

3. This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 15 days in filing the main appeal.

4. For the reasons stated in the application, the same is allowed. Delay of 15 days in filing the main appeal is condoned.

**FAO-668-2016**

5. This is an appeal preferred by the legal representatives of the driver and the owner, namely, Man Singh (since deceased) against the award dated 14.05.2015 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal').

6. The only grouse of the appellants 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 proportion. Learned counsel for the appellants would contend that once it was a case of contributory negligence, the owner and the driver would be jointly and severally 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.

7. Learned counsel for respondent No.1 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.

8. Heard.

9. In view of the above, the appellants are held jointly and severally liable to pay the compensation to the extent of 50% with respondent No.2-Insurance Company.

10.                      Accordingly, the present appeal is allowed and the award passed by the Tribunal is modified as indicated above. Pending applications, if any, also stand disposed off.

**19.05.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE:                      Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*