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

Decided on: 30th August, 2017

+ **MAC APPEAL 630/2009 and CM 18693/2009**

NATIONAL INSURANCE CO. LTD. Appellant
Through: Mr. Shoumik Mazumdar, Adv.

versus

RENU & ORS. Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The award, by the impugned judgment dated 18.08.2009, in favour of the first to fourth respondents (collectively, the claimants) on their claim petition (MACT claim petition no.191/08) on account of death of Chattarpal Singh includes award on account of loss of dependency, the claim of the petitioners being that the deceased was working with M/s. M.S. Steel Welding Works as a welder.
2. The insurance company on which the liability to pay has been fastened, questions the calculation by the impugned judgment on the ground that no cogent proof of such employment was adduced. It is, however, noted that the tribunal instead of going by the pleadings of the claimants about the employment as welder has gone by the notional income assessed on the basis of minimum wages. Therefore, there is no error in the calculation.

3. The appeal is devoid of substance and is dismissed.
4. By order dated 21.12.2009, the insurance company had been directed to deposit Rs.9,00,000/- (Rupees Nine Lakhs Only) along with interest thereon which was directed to be kept with UCO Bank, Delhi High Court Branch. The amount due to the claimants will be released from out of the amount thus deposited in terms of the impugned award. If there is any excess in deposit, the same shall be refunded. Conversely, if there is any deficiency in deposit, the insurance company will be obliged to deposit the balance with the tribunal within 30 days of today making it available to be released to the claimants.
5. The statutory deposit shall be refunded after proof is shown of the award having been satisfied.
6. The appeal and the pending application are disposed of in above terms.

AUGUST 30, 2017

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R.K.GAUBA, J.