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

% *Decided on: 13.11.2019*

\+ MAC.APP. 551/2019

UNITED INDIA INSURANCE CO LTD ..... Appellant
Through: Mr. Pankaj Seth, Advocate.

versus

ABDUL SATTAR & ORS ..... Respondents

\+ MAC.APP. 552/2019

UNITED INDIA INSURANCE CO LTD ..... Appellant
Through: Mr. Pankaj Seth, Advocate.

versus

ABDUL SATTAR & ORS ..... Respondents

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

C.M. No.22863/2019 (for exemption) in Mac. App. No.551/2019
C.M. No.22865/2019 (for exemption) in Mac. App. No.552/2019

1. Allowed, subject to all just exceptions.

2. The applications stand disposed off.

Mac. App. No.551/2019 & C.M. No.22862/2019 (for stay)
Mac. App. No.552/2019 & C.M. No.22864/2019 (for stay)

3. These appeals impugn the award of compensation dated 29.01.2019 passed by the learned MACT in DAR Nos.492 & 493/18 on the ground that there is nothing on record to show that the deceased-wife was an earning member.

4. *Prima facie*, this argument is untenable because it cannot be anyone's case that a home-maker makes no contribution of economic value to the family or that, in the instant case, she was not contributing to managing the affairs of her home.

5. This Court in MAC APP No. 914/2017, decided on 18/09/2019 has held, *inter alia,* as under:

> *"1. This appeal impugns the award of compensation dated 17.07.2017 passed by the learned MACT in MACP No. 4578/2016 (Old No. 551/13) on the ground that the deceased, who was a housewife, had claimed to be earning Rs. 10,000/- through knitting and stitching work. However, since the claimants were unable to substantiate the said claim, she being a matriculate, the minimum wage applicable to a matriculate was taken into consideration. There was an addition of 25% towards 'loss of future prospects' albeit it should have been 40% in terms of dicta of the Supreme Court in National Insurance Co. Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680. [para 61 (iv)].*
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> *2. The learned counsel for the appellant submits that there should be a deduction of 1/3rd of the compensation towards her personal expenses. The said contention is untenable because the claimants were not dependent upon her earnings. She was essentially a home-maker and the economic value of her assistance to the family was quantified in the award. It is not the appellant's case that the husband of the deceased was not and is not supporting his family financially. It is to be kept in mind that what a home-maker earns would normally stay with her as a private provident fund to be used for the family in times of need. Often families get surprised when mothers*

and home-makers suddenly fish out funds from their savings over the years, for a surprise purchase for their kith and kin. It is this assiduous accumulation of monies over the years, for the mother's love of her family, which comes in handy on rainy days."

6. In the present case, the notional economic contribution of the deceased wife, has been arrived at on the basis of minimum wages, on which compensation for loss of future prospects has been awarded in terms of the dicta of Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi & Ors*** (2017) 16 SCC 680. The Court finds no reason to interfere with the impugned order.

7. The appeals are without merit and are accordingly dismissed.

8. The statutory amount, alongwith interest accrued thereon, shall be deposited into the 'AASRA Fund' created by this Court.

NAJMI WAZIRI, J

NOVEMBER 13, 2019
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