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

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Decided on: 28.11.2019

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MAC.APP. 513/2015 & CM APPL. 11623/2015

BHARTI AXA GENERAL INSURANCE CO LTD Appellant

Through: Mr. Vikas Bhadana, Advocate.

versus

INDU GUPTA & ANR Respondents

Through: Mr. Vineet Chadha and Mr. Ajay Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 30.03.2015 passed by the learned MACT in MACP No. 784/13 on the ground that it has erroneously considered the parents-in-law of the deceased as dependent upon her.

2. The Court would note that the claimants have pleaded that they are dependent upon their daughter-in-law whom they lost in a gruesome motor accident which occurred on 30.12.2012 alongwith their younger son and two minor grand children. In their evidence by way of affidavit they stated as under:-

“11. I say that the deceased was young, energetic, hale and hearty and he was enjoying good health at the time of the accident. Had she not died in the said accident, she would have lived at least up to the age of 90 years. The deceased and her husband were maintaining the petitioners. Apart from the financial support and losses the petitioners have suffered

mental agony, pains and will have to suffer throughout their lives. That due to sudden demise of the deceased the future of the petitioners has been ruined. The lives of petitioners has been completely ruined due to the sudden death of the deceased who was their daughter-in-law. Petitioners have lost their daughter-in-law and her love and affection at an old age and such stage of life when they require the care and help, both monetary and physical which only the deceased was in a position to give them. All the respondents are jointly and severally liable to pay the compensation to the petitioners. The principle of 'res-ipsa-loquitor' applies in this case."

3. In the cross-examination, their claim of dependency was never an issue and no questions were raised apropos the same. The claimant-Ms. Indu Gupta was examined. She subsequently appeared on 23.09.2017 before the learned Tribunal again, after the cross examination was closed. In effect, the claim of dependency upon the deceased/daughter-in-law was accepted by the appellant. The deceased was living with her parents-in-law, the claimants, as one family unit. She, as a *bahu*, was as much a part of the family as her husband, the son of the claimants. Hence for the appellants to doubt the same at this stage is without any basis.
4. The appeal is without merit and is accordingly dismissed.
5. The statutory amount, alongwith interest accrued thereon, be deposited into the 'AASRA' Fund created by this Court.

NAJMI WAZIRI, J

NOVEMBER 28, 2019

AB/RW