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

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Decided on: 07.11.2019

+ MAC.APP. 615/2017 & CM APPL. 25471/2017

NATIONAL INSURANCE CO LTD Appellant

Through: Mr. C. S. Parashar, Advocate.

versus

SUNITA & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 12.05.2017 passed by the learned MACT in D-11228/16 on the ground that adoption of minimum wages applicable to an unskilled workman was unjustified because no evidence was led by the claimant to prove that the deceased was carrying out the vocation of a tailor. This issue has been dealt with in the impugned award as under:

“25. PW-1 Smt. Sunita categorically deposed, in her affidavit, that the deceased was doing tailoring work. She deposed that he was earning a sum of Rs. 15,000/- per month. She reaffirmed in her cross-examination that the deceased was working as a tailor with his brother. She deposed that the deceased learnt tailoring work from his brother Bhagwat Singh. So far as the contention that she has not placed any document that his husband was doing tailoring work, it can be stated that such evidence is rarely available. PW-1 Smt. Sunita stated that the

deceased was working as a tailor in Gali No. 3, Nathu Colony Chowk, Shahdara, Delhi. There is no evidence led by the respondents to prove the contrary.”

2. On a specific query being put to learned counsel for the appellant whether the claimant was cross examined apropos her deposition, the answer is in negative. When the appellant itself did not question the contention of the claimant that her deceased husband earned his livelihood as a tailor and that there was a specific place in Gali No.3 Nathu Colony Chowk, Shahdara, Delhi, from where he carried out his vocation and that he had acquired a tailor’s skills while training with his brother, there is no reason to doubt the testimony of the wife of the deceased, regarding vocation of her deceased husband. Ordinarily in an unorganized sector people earn their living through, acquiring skills from initial apprenticeship and then starting out their own work.
3. In view of above, the Court finds no reason to interfere with the impugned award.
4. The appeal is accordingly disposed-off.
5. The statutory amount, alongwith interest accrued thereon be deposited in the “AASRA” Fund opened by this Court.

NAJMI WAZIRI, J

NOVEMBER 07, 2019

SSC