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

% *Decided on: 18.09.2019*

\+ MAC.APP. 914/2017 & CM APPL. 37729/2017

ROYAL SUNDARAM ALLIANCE INSURACE CO LTD

..... Appellant

Through: Ms. Summan Bagga and Mr. Pankaj Gupta, Advocates.

versus

DINESH & ORS ..... Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

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)].

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.

3. In the present cases, there is nothing on record to show that her family was dependent upon her earning. In the circumstances, no deduction towards her personal expenses is called for and accordingly the said argument is rejected.

4. In view of the above, the Court finds no merit in the appeal and it is accordingly dismissed.

5. The statutory amount alongwith interest accrued thereon be deposited into the 'AASRA' fund.

NAJMI WAZIRI, J

SEPTEMBER 18, 2019

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