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

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*Decided on: 16.10.2019*

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**MAC.APP. 1092/2018**

ROYAL SUNDRAM GENERAL INSURANCE  
CO LTD

..... Appellant

Through: Mr. Pankaj Gupta, Adv.

versus

ITI GOYAL & ORS

..... Respondents

Through: Mr. Anshuman Bal, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**NAJMI WAZIRI, J (Oral)**

**MAC.APP. 1092/2018 & CM 51044/2018**

1. This appeal impugns the award of compensation dated 12.10.2018 passed by the learned MACT in MACT No. 522/2017, on the ground that since the business of the deceased was continued by his father, there was no loss of income or dependency for the claimants.

2. The aforesaid argument of the appellant is *ex-facie* erroneous for the simple reason that for the father of the deceased to continue the business of the deceased is an exigent temporary arrangement. The dependents of the deceased are his widow and minor children. Their dependency was on the deceased and not on his father i.e. father-in-law and grand-father of the claimants, respectively. The assessment has to be on account of the loss of dependency of the deceased. The father-in-law stepping in for support of

the family is a temporary arrangement and he can never replace or take the place of the husband of the widow and the father of the children.

3. In view of the above, the said argument is rejected. There is no merit in the appeal. It is accordingly dismissed. The statutory amount, along with interest accrued thereon, be returned to the appellant.

**OCTOBER 16, 2019**/kk

**NAJMI WAZIRI, J**

