

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2574 OF 2011

THE NEW INDIA ASSURANCE
COMPANY LTD.

...Appellant(s)

Vs.

KOGGA & ORS.

...Respondent(s)

O R D E R

1. After hearing learned counsel for the parties and keeping in view the amount involved in the present appeal, we do not wish to interfere with the impugned judgment. The appeal is accordingly dismissed, however, leaving the question of law open.

2. Before parting with the order, this Court would like to mention that on 24th August, 2023, this Court had passed the following order:

“1. Judgment was reserved in the present appeal on 17th August, 2023. The matter has been re-listed today on our directions. We are of the opinion that appropriate assistance would be required from the Union of India in the light of prescriptions in Section 2(1)(d)(iii)(d) of the Employee’s Compensation act, 1923¹, which defines the word ‘dependent’ to mean and include those relatives of the deceased employee as set out in the said provision. In Section 2(1)(d)(iii)(d), the expression used is “*a minor brother, or an unmarried sister or a widowed sister if a*

¹ For short the ‘1923 Act’

minor”, who shall be treated as dependents of the deceased employee.

2. In the instant case, the deceased was survived by two widowed sisters (respondent Nos.3 and 4), who were not minors at the time of his demise, but were dependent on him. The appellant-Insurance Company has preferred the present appeal against the judgment dated 05th October, 2009, passed by the High Court of Karnataka at Bangalore, in M.F.A. No.7194 of 2005 (WC), holding *inter alia* that the Commissioner had treated the widowed sisters of the deceased employee as his dependents under 1923 Act and awarded compensation in their favour. It is the stand of the appellant-Insurance Company that the two widowed sisters of the deceased employee do not qualify as dependents of the deceased employee, as contemplated under the Statute.

3. Issue notice to the Union of India through the learned Solicitor General returnable on 20th September, 2023. Dasti, in addition, is permitted.

4. In the meantime, a paperbook of the appeal shall be furnished by the Registry directly to the office of the learned Solicitor General.”

3. The Employee’s Compensation Act was enacted in the year 1923. The definition of word ‘dependent’ as noticed in the above referred order, in Section 2(1)(d)(iii)(d) means “*a minor brother or an unmarried sister or a widowed sister if a minor*”. In the present time,

no one will normally find a widowed sister who is a minor, especially after enactment of the Hindu Marriage Act, 1955.

4. In our view, the matter needs to be considered by the Law Commission of India for suitable amendment of the aforesaid provision or any other in the 1923 Act.

5. A copy of the order be sent to the Secretary, Ministry of Law and Justice, who may further refer the same to the Chairperson, Law Commission of India.

6. Intimation about the dismissal of the appeal be sent to the respondents by the Registry of this Court to enable them to withdraw the amount, which is lying deposited in the Karnataka High Court. In case any of the aforesaid respondents has expired, his/her legal heirs are permitted to withdraw the amount along with interest accrued thereon, if any.

.....J.
(RAJESH BINDAL)

.....J.
(MANMOHAN)

NEW DELHI;
October 09, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2574/2011

THE NEW INDIA ASSURANCE CO. LTD.

Appellant(s)

VERSUS

KOGGA & ORS.

Respondent(s)

(*MR. AMRISH KUMAR, ADV. A/W LD. SOLICITOR GENERAL ON B/O UNION OF INDIA)

Date : 09-10-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) :

Mr. Salil Paul, Adv.
Mr. Sahil Paul, Adv.
Ms. Manjeet Chawla, AOR
Mr. Sandeep Dayal, Adv.
Ms. Kiran Bala Agarwal, Adv.

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
Ms. Shreya Jain, Adv.
Mr. Anirudh Singh, Adv.
Ms. B L N Shivani, Adv.
Mr. Amrish Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application, if any, also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AKSHAY KUMAR BHORIA)
COURT MASTER

(Signed order is placed on the file.)