

**2025 LiveLaw (SC) 1039**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

***RAJESH BINDAL; J., MANMOHAN; J.***

**CIVIL APPEAL NO. 2574 OF 2011; October 09, 2025**

**THE NEW INDIA ASSURANCE COMPANY LTD. versus KOGGA & ORS.**

**Employees Compensation Act, 1923 - Section 2(1)(d)(ii)(d) - "dependent" - Whether the definition of "dependent" as per Section 2(1)(d)(ii)(d) of the Act, specifically whether widowed sisters of the deceased, who were not minors, could be considered dependents entitled to compensation – Held, Section 2(1)(d)(ii)(d) of the 1923 Act defines dependents to include a "minor brother, or an unmarried sister, or a widowed sister if a minor" and noted the incongruity with present-day realities, referring to the context of the Hindu Marriage Act, 1955, which makes the occurrence of a "widowed minor sister" unlikely - Supreme Court declined to interfere with the High Court judgment which treated widowed adult sisters as dependents, allowing compensation - Supreme Court left the question of law about the definition of "dependent" open and recommended the Law Commission of India to consider suitable amendments to the Employees Compensation Act to reflect current social realities. [Paras 2 - 6]**

*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*

**ORDER**

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 24<sup>th</sup> August, 2023, this Court had passed the following order:

“1. Judgment was reserved in the present appeal on 17<sup>th</sup> 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, 1923<sup>1</sup>, 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 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 05<sup>th</sup> 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.

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<sup>1</sup> For short the ‘1923 Act’

3. Issue notice to the Union of India through the learned Solicitor General returnable on 20<sup>th</sup> 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.

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