



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 509/2024 & CM APPL. 56043/2024**
ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. Kanwar Kochar, Adv.

versus

VINAY JAIN & ORS.Respondents

Through: Mr. Rajat Wadhwa, Mr. Honey Jain,
Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
19.05.2026

1. *Mr. Kanwar Kochar*, counsel for Insurance Company, contends that the husband of deceased/respondent no.1 (*claimant*) was an earning member, which is evident from his cross-examination recorded on 30th January 2023. Deceased/Wife was working in the same company as the husband, which had been started by him as a proprietorship firm in 2014, which then became a private limited company in 2017.
2. In these circumstances, whether the husband of deceased/respondent no.1, will be considered as a *dependent* or not, has been debated before us by the counsel for Insurance Company and counsel for husband of deceased/respondent no.1.
3. *Mr. Rajat Wadhwa*, counsel for husband of deceased/respondent no.1, has relied upon the decision of Supreme Court in *Malakappa and Ors v. Iffco Tokio General Insurance Company Ltd & Anr*, 2025 SCC OnLine



SC 979.

4. *Mr. Kanwar Kochar*, counsel for Insurance Company, on the other hand, has relied upon the decision of this Court in ***National Insurance Co. Ltd v. Ashok Kumar Kochhar & Ors*** 2024:DHC:4807 and ***Oriental Insurance Co. Ltd v. Pawan Kumar Sharma & Ors*** 2024:DHC:2973.

5. Various Courts have considered the issue of ‘*dependency of husband*’ in the context of contribution made by a wife in the form of services or income, to the household income.

6. In this regard, *Mr. Wadhwa*, counsel for husband of deceased/respondent no.1 has cited decision of the Madhya Pradesh High Court in ***United India Insurance Company Ltd v. Shubham Kumar Jatav and Ors*** 2025:MPHC-JBP:47597. He seeks some time to cite further judgments in this regard.

7. List on 22nd May 2026, in ‘*supplementary list*’.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 19, 2026/RK/sp