

CIVIL REFERENCE.

Before Currie J.

In re DEVI DITTA, and The WORKMEN'S COMPENSATION ACT, 1923.

Civil Reference No. 4 of 1930.

Workmen's Compensation Act, VIII of 1923, section 2 (1) (d) — minor adopted son — whether a dependent — General Clauses Act, X of 1897, section 3 (53).

Held, that having regard to section 3 (53) of the General Clauses Act, 1897, a minor adopted son falls within the scope of the definition of "dependent" in section 2 (1) (d) of the Workmen's Compensation Act, 1923, provided the personal law of the deceased workman permits adoption.

Case referred by Sardar Sewaram Singh, District Judge, Multan, with his No. 379, dated 28th January, 1930, for orders of the High Court.

ABDUL RASHID, Additional Government Advocate, for the Railway Administration.

CURRIE J.

CURRIE J.—This is a reference made under section 27 of the Workmen's Compensation Act, VIII of 1923, by the learned Senior Subordinate Judge, Multan, sitting as a Commissioner under the Act. One Devi Ditta, Shunting *Jamadar* at Lodhran Railway Station, was accidentally killed while on duty, and the North-Western Railway has deposited compensation under section 4 (1)-A (1) of the Act for payment to his dependents. One Munshi Ram, a minor, claims this compensation as the adopted son of the deceased Shunting *Jamadar*, and the learned Senior Subordinate Judge has referred the question whether an adopted son can be held to be a dependent as defined in section 2 (1) (d) of the Act. "Depen-

dent " is there defined as meaning " any of the following relatives of the deceased workman, namely, a wife, husband, parent, minor son," etc.

The matter referred is easily determined by a reference to the General Clauses Act, X of 1897, where in section 3 (53) it is provided that unless there is anything repugnant in the subject or context, " son," in the case of anyone whose personal law permits adoption, shall include an adopted son. The learned Additional Government Advocate urges that this cannot be held to apply to the words " minor son." But in my opinion there is nothing repugnant in the subject to the context to the application of section 3 (53) of the General Clauses Act in this case. My answer to the reference will, therefore, be that, provided that the personal law of the deceased workman permitted of adoption, a minor adopted son would fall within the scope of the definition of "dependent" in section 2 (1) (d) of the Workmen's Compensation Act.

A. N. C.

*Reference decided
in the affirmative.*

1930

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AND
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