



Presented on : 12-07-2021

Registered on : 12-07-2021

Decided on : 02-06-2026

Duration : 4 years, 10 months, 21 days

IN THE COURT OF THE SENIOR CIVIL JUDGE AT LINGASUGUR

Dated this the 2nd Day of June 2026

PRESENT : Undi Manjula Shivappa

B.Sc.L.L.M.

Senior Civil Judge, Lingasugur.

E.C.A. No.4/2021

PETITIONER:

- 1) Ramappa S/o Late Hanumantha
Dead on 03-06-2025.
- 1.a) Parvathi W/o Devasangeetham (D/o Ramappa)
Age: 36 years, Occ: Household,
R/o H.no.16/28, Jetti line, Hutti camp,
Tq: Lingasugur, District: Raichur.
- 1.a) Renuka W/o Arun Vegas (D/o Ramappa)
Age: 41 years, Occ: Household,
R/o H.no.3/106, Near Kulala Mandir, Kolle,
Someshwara, Mangaluru,
Dakshina Kannada-575022.
(By Sri. K.M.H.S., Advocate)

Versus

RESPONDENTS:

1. Umashankar S/o D.B., Naidu,
Age 46 years, R/o No.42/43, 1st floor,
Prasiddi Home, 2nd cross, Byrappa layout,
Jambusavariddinne, J.P., Nagar, 8th Stage,
Bangalore-83



2. M. Chittibabu S/o Changaiah Naidu,
aged about 40 years,
R/o No. 65, 1st Cross, Abbaiah Naidu Studio,
Ittimadu, Bangalore-61.

(Resp. No.1 and 2 by S.D.K., Advocate)

3. Smt. Gangamma W/o Suresh @ Suresh Kumar D/o
Bheemaraya @ Bheemappa,
aged about 29 years,
R/o Sadkallugudda village, Devadurga Taluk,
Raichur District.

(Resp. No.3 by A.S.K., Advocate)

Nature of petition: Grant of compensation.

JUDGEMENT

This petition is filed by the petitioner under Sec.22 of the Employees Compensation Act, claiming compensation amount of Rs.20,00,000/- along with cost and interest from the date of accident till the date of realization in the interest of justice.

2. It is submitted that, the petitioners are none other than the parents of Suresh @ Suresh Kumar and the respondent No.3 is none other than the wife of Suresh @ Suresh Kumar, the said Suresh was the legal heir to the petitioners. The said Suresh @ Suresh Kumar being the elder son to them and the said Suresh Kumar got married



to the respondent No.3 and the respondent No.3 along with deceased Suresh @ Suresh Kumar were rushed to Bangalore, for eking their livelihood subsequently the respondent No. 3 husband Suresh @ Suresh Kumar got Coolie work under the contract of the respondent No. 2. The petitioners submit that, the said apart from his wife i.e. the respondent No. 3, the deceased Suresh @ Suresh Kumar has contributed amount per month to the petitioners as the petitioners are the parents and the said Suresh @ Suresh Kumar being the elder son to them and his duty to look after and managed the petitioners hence he contributed amount to the petitioners out of his earnings. As the said Suresh @ Suresh Kumar being the eldest son to his family and the petitioners are mainly depend upon the source of Suresh @ Suresh Kumar.

3. The petitioner further submitted that, the said Suresh @ Suresh Kumar whenever he attended duty under the respondent No.2 and working as a Coolie in order to constructed the building which belongs to the respondent No.1, during the course of his employment on 20-09-2019 the respondent No.2 as per the respondent's direction



the said Suresh @ Suresh Kumar deputed him to do the work on 5th floor, as per the respondent's direction the said Suresh @ Suresh kumar attended his work on the 5th floor, during the course of his employment he slept and fell down from the 5th floor to ground floor as a result the said Suresh Kumar succumbed to greivous injuries and they had been to nearest hospital and the hospital had advised to take the Suresh @ Suresh Kumar to Jayanagar Hospital, Bangalore for treatment. The said Hospital Doctors have told that the Sure @ Suresh Kumar was died on the way.

4. Soon after the death of the said Suresh @ Suresh Kumar, the case has been registered in the Thalagattapura Police station in Crime No. 228/2019 dated 20-09-2019 against both of the respondent No. 1 and 2 for the offence punishable under Section 304(A) 288 of IPC. The said case is still pending before the court.

5. By virtue of agreement of building construct dated 15-05-2019 the agreement made in between the respondent No. 1 and 2 the contents of the said agreement is vouchsafe and self explanatory that as per the said agreement the respondent No. 1 and 2 are held



responsible if a labour under the respondent's control sustained any injuries either simple or grievous or death during the course of their/his employment shall look after and managed to their/ his families to the tune of compensations. To that effect, the respondent No. 3 has approached the respondent No. 1 and 2 for seeking compensation against the death of Suresh @ Suresh Kumar from the respondent end by suppressing material facts. The respondent No. 3 alone siphon the compensation amount from the end of the respondent No. 1 and 2 without providing any legitimate share to the petitioners are the petitioners are the natural parents of deceased Suresh @ Suresh Kumar and they are also entitled to get their legitimate share in the compensation amount as the respondent No. 1 and 2 are liable to pay. The respondent No. 3 including the petitioners, are entitled to get equal share in the compensation amount. Immediately after the accident the deceased was shifted to KIMS Hospital and Research Centre, K.R. Road, V.V. Puram, Bangalore where the Post mortem was conducted on the body of the deceased the petitioners incurred a sum of Rs. 1,00,000/- towards medical funeral and transportation expenses. Prior to the said



incident the deceased was quite hale and healthy and was aged 37 years and working as coolie and earning Rs. 1000/- per day and used to contribute all his earnings towards the maintenance of his family. Due to the said incident and death of the deceased the petitioners' family is not in a position to eking out their bread, the petitioners and their family members are starving for food and shelter as the deceased was the only earning member of his family. In brief the life of the petitioners has become most complex and miserable. Further, a case has been registered in Thalaghattapura police station in Crime No. 228/2019 under Section 304-A of IPC. Since the deceased was workman under the respondents as a coolie as on the date of accident. Hence, the petitioners are entitled for compensation under Workmen Compensation Act /Employees Compensation Act and respondent No. 1 and 2 is held liable to pay compensation to the petitioners. Therefore the petitioner prayed to allow the petition.

6. On service of notice, both the respondents appeared before the court through their counsels and filed their separate written statements respectively.



The written statement of 1st respondent contending as under:

The allegations of the petition except that are expressly admitted herein are false, baseless and misleading and as such they are denied. Further the contents of petitioner para no.1 and 2 about the relationship with deceased person admitted. It is, in para no 3 submitted that the deceased person and respondent no.3 contributed per month amount to petitioner needs strict proof of the same. Further states that the deceased person was the only person to petitioner needs strict proof of the same and as such petitioners are having one more son. It is alleged, in para no 4, that the deceased person was working under the respondent no 2, who is a contractor of the building is admitted but further allegations that the deceased person was working in 5th floor is need proof of the same. The deceased person after fell down taken immediately to the hospital but doctors declared him as dead is admitted. It is submitted in para no 5 is admitted. It is further submitted in para no.6 that there was agreement between respondent 1 and 2 admitted but it is false further allegations that respondent 1 and 2 are responsible for any fatal incidents during course of building construction work.



7. It is further submitted in para no.7 that the respondent No.3, who is the wife of deceased person, as received compensation against the death of Suresh@Suresh kumar is admitted but further allegations that petitioners did not receive any compensation amount is false. The petitioners were also aware about compensation from respondent No.2. Further the petitioners demanded that they are entitled to get the share in the compensation amount as such it is the dispute between petitioners and respondent No.3. It is submitted that in para no 8 that after the incident body was taken for post mortem and post mortem conducted after agreement and compromise between respondent no 3 and respondent no 2 one lack rupees in the form cash has been given to respondent no 3 with presence of petitioners is false needs strict proof of the same. Further claim of petitioners, in para no 9, that the said deceased person was healthy and able of earning 1000/- rupees per day is false needs strict proof of the same further the petitioners claims that the deceased person use to look after the petitioners and petitioners don't have shelter and also petitioners are suffering even for their daily bread is false and needs strict of the same hence denied the same. It is further



submitted that in para no.11 that the deceased person was workman under the respondents as a coolie and liable to strict proof of the same. The petitioners are liable to get the compensation under EC act is false and denied the same.

8. Further facts that, It is the claim of petitioners that the deceased person was working in 5th floor is false, as furnished the information by respondent no 2, the deceased person was working as watch man and this person was alcoholic as he fell down after consumption of alcohol from 2nd floor as furnished information by respondent no 2. More over the petitioners themselves admitted that there was agreement between respondent 1 and 2 and as per the agreement between respondent No 1 and 2 that, the agreement made on the date of 15-05-2019, agreement conditions are that earth work to be done by owner, labour's shed, all the material related to building construction flooring cladding are the owners responsibility that is respondent no 1. The contractor's responsibility, as per the agreement, concrete work, masonry work, shuttering, bar-bending, scaffolding and compound wall work. Further condition that as



concern to safety measures to be taken by the contractor that is respondent No 2, the conditions are, contractor agreed for the same and signed by respondent no 1 and 2 for the agreement, that the contractor agrees to provide all safety precautions/measures at work place and ensures safety defaults are his responsibility that is respondent no 2 that any accidental injury or fatal owner is not responsible that is respondent No 1. More over after the incident that respondent no.3 as admitted by petitioners received one lakhs rupees is false but respondent no.3 received six lakhs rupees in the form of cash with presence of other labours who were present are Devappa, Honnappa, Venkateshappa and Seemantappa. Hence, the respondent no.1 prayed to reject the petition.

9. The averments of written statement of 2nd respondent contending as under:

The allegations of the petition except that are expressly admitted herein are false, baseless and misleading and as such they are denied. It is submitted in para no 1 about the relationship with deceased person admitted. It is further submitted in para no 2 it is



stated that permanent address this respondent 2 not known and they have rushed for coolie work this respondent not aware of this further the deceased person had come for @coolie work admitted but not regularly. It is, in para no 3 submitted that the deceased person and respondent no 3 contributed per month amount to petitioner needs this respondent is not aware of their transactions needs strict proof of the same. Further states that the deceased person was the only person to petitioner and petitioners are dependent on him but this respondent is not aware of this hence it is denied. It is alleged, in para no 4, that the deceased person was working under the respondent no 2 and petitioners themselves admitted that whenever deceased person attended duty it means he was not regular employee under respondent no 2 and further pleadings denied that respondent no 2 asked him to work in the 5th floor but admitted he died not because of work but due to alcoholic state. The deceased person after fell down taken immediately to the hospital but doctors declared him as dead is admitted. It is submitted in para no 5 is admitted. It is further submitted in para no 6 that there was agreement between respondent 1 and 2 admitted but it is false further



allegations that respondent 1 and 2 are responsible for any fatal incidents during course of building construction work. It is further submitted in para no 7 that the respondent No 3, who is the wife of deceased person, as received compensation against the death of Suresh@Suresh kumar is admitted but further allegations that petitioners did not receive any compensation amount is false. The petitioners were also aware about compensation from respondent No 2. Further the petitioners demanded that they are entitled to get the share in the compensation amount as such it is the dispute between petitioners and respondent No 3. It is submitted that in para no 8 that after the incident body was taken for post mortem and post mortem conducted after agreement and compromise between respondent no 3 and respondent no 2 one lack rupees in the form cash has been given to respondent no 3 with presence of petitioners is false needs strict proof of the same. Further claim of petitioners, in para no 9, that the said deceased person was healthy and able of earning 1000/- rupees per day is false needs strict proof of the same further the petitioners claims that the deceased person use to look after the petitioners and petitioners don't have shelter and also petitioners are



suffering even for their daily bread this respondent is not aware of this hence denied the same. No need to reply to para no 10. It is further submitted that in para no 11 that the deceased person was workman under the respondents as a coolie and liable to strict proof of the same. The petitioners are liable to get the compensation under EC act is false and denied the same.

10. Further facts that, It is the claim of petitioners that the deceased person was working in 5th floor is false, as furnished the information by respondent no 2, the deceased person was working as watch man and he use to come for work once or twice in a week and always use to be in alcoholic state and this respondent sent him back many times and on the day this person was alcoholic as other labourers informed this respondent and as he fell down after consumption of alcohol from 2nd floor. The deceased person was not at all a regular employee under respondent No 2. The deceased person use to come for security work once in a weak or twice. The deceased person might have worked under respondent No.1 just for 8 to 10 days before his demise. The deceased person is not a labourer under respondent



No 2. More over after the incident that respondent no 3 as admitted by petitioners received one lac rupees is false but respondent no 3 received six lac rupees in the form of cash with presence of other labours who were present are Devappa, Honnappa, Venkateshappa, Seemantappa and with presence of respondent No.1, hence the respondent no.2 prayed to reject the petition.

11. The written statement averments of respondent no.3 as under; the respondent no.3 admitted the petitioner averments as true and correct. Further the respondent no.3 prayed to allow the petitioner and prayed for order of 50% compensation amount to respondent no.3 i.e., herself.

12. Basing on the above pleadings, following Issues are framed:

1. Whether the petitioners prove that Suresh @ Suresh Kumar was working as a coolie under the respondent no.1 and 2?
2. Whether the petitioners prove that as per the instructions and directions of the respondent no.1 and 2, on 20-09-2021 the deceased Suresh @ Suresh Kumar deputed to do the work on 5th floor, during the course of his



employment, he fell down from the 5th floor to ground floor and sustained grievous injuries and died in the hospital?

3. Whether the petitioners are entitled for compensation? If so, how much and from whom?
4. What order or award?

13. In order to prove the case, the petitioner i.e., late Ramappa S/o Late Hanumantha has got examined himself as PW.1 and got marked 19 documents and petitioner no.2 examined herself as Pw-2 and both are fully cross-examined by the counsel for respondents. On the other hand, respondent no.3 examined herself as Rw-1 and respondent no.2 examined himself as Rw-2 both are fully cross-examined by the counsel for the petitioner and closed their side.

14. I have heard arguments of petitioner and respondents and perused the record.

15. My answers to the above Issues are as under:

Issue No.1: In the Affirmative

Issue No.2: In the Affirmative



Issue No.3 : Petitioner is entitled for the compensation of Rs.7,36,800/- with simple interest at the rate of 8% P.A. from the date of petition till realization. The petitioners and respondent no.3, entitled compensation in the ratio of 60:40 respectively.

Issue No.4 : As per final order for the following;

R E A S O N S

16. ISSUE No.1 : The petitioner in order to prove this Issue examined himself as PW.1, he filed an affidavit in lieu of examination in chief where he reiterated the same averments of the petition.

17. The petitioner has got marked in all 15 documents. I have gone through Ex.P.1 to 8 which reveals that after the accident the complaint was lodged with C.S.Pura police station on 22.02.2019 in Cr.No.8/2019. After investigation the police have filed the charge sheet against Ranganatha owner of the offending vehicle under Sec.279, 337, 338 of IPC. Along with charge sheet I.O filed the true certificates and statements of the witness and IMV report and Ex.P.9 is the discharge summary of the petitioner and Ex.P.10 is the scanning report. Ex.P.11 is the 19 medical bills are clearly reveals



that the petitioner sustained all these injuries in the alleged accident. The question is whether the petitioner was working under respondent No.1 as an employee. The counsel for petitioner drew the attention of the court on the cross examination of the Rw-2 i.e., respondent no.2 where he admitted the the alleged building under construction is one Umashankar i.e., respondent no.1 and he was Mestri bringing the labor for work of construction of building. He admitted he appointed the deceased Suresh for labor work 10 days before his death but petitioner counsel suggested that 1 month earlier to death Suresh appointed as labor. He also admitted he brought insurance certificate for deceased Suresh. Hence it is clear that the deceased Suresh was employee of respondent no.1 and 2. Hence I answer the issue no.1 in the AFFIRMATIVE.

18. ISSUE No.2: The petitioner has stated that during the course of his employment under 1st and 2nd respondents whenever he attended duty under the respondent No.2 and working as a Coolie in order to constructed the building which belongs to the respondent No.1, during the course of his employment on 20-09-2019 the respondent



No.2 as per the respondent's direction the said Suresh @ Suresh Kumar deputed him to do the work on 5th floor, as per the respondent's direction the said Suresh @ Suresh kumar attended his work on the 5th floor, during the course of his employment he slept and fell down from the 5th floor to ground floor as a result the said Suresh Kumar succumbed to grievous injuries and they had been to nearest hospital and the hospital had advised to take the Suresh @ Suresh Kumar to Jayanagar Hospital, Bangalore for treatment. The said Hospital Doctors have told that the Sure @ Suresh Kumar was died on the way.

19. The petitioner has adduced his oral evidence by deposing about he having sustained injuries in the accident caused by the vehicle of 1st respondent during the course of employment under 1st respondent. The petitioner has got marked documents such as true copy of FIR at Ex.P.1, true copy of wound certificate at Ex.P.5, Discharge card at Ex.P.9, statement of petitioner at Ex.P.7, Scanning report at Ex.P.10, Ex.P.11 are the 19 medical bills and Ex.P.12 is the 6 medical prescriptions. These documents have clearly reveals that



the petitioner sustained all these injuries in the alleged accident. The deceased Suresh died during employment as per the instruction and directions of the respondent no.1 and 2, on 20-09-2021 the deceased Suresh Kumar deputed to do the work on the 5th floor to ground floor and sustained grievous injuries and died in the hospital. Hence I answer Issue No.2 in the Affirmative.

20. ISSUE No.3: The petitioner has taken specific plea that deceased Suresh Kumar was earning Rs.1,000/- per day before accident as a salary but no documents has been produced to prove the said income, hence notional income can be calculated as Rs.15,000/- per month.

21. Notification of the Karnataka State Legal Service Authority in page No.3 at first table for the year of accident i.e., 2019 and onwards the notional monthly income of the deceased has to be considered as **Rs.14,000/-**. And per year 500/- has to increased. Hence the notional income of the deceased Suresh Kumar's taken as Rs.15,000/-.



22. The monthly notional income of the deceased Suresh Kumar is taken as **Rs.15,000/-** and hence his annual income is **Rs.1,80,000/-**. As deceased suresh has died leaving behind his mother the claimant and wife the respondent no.3, the deduction towards his personal and living expenses would be **1/3rd**. **Since he died as married. Hence after deduction of 1/3rd the income would be 60,000/- per annum. The appropriate multiplier applicable for the age of 37 years as per Sarala Verma case is 15. Hence the claimants are entitled for compensation of Rs.60,000x 15 = Rs.9,00,000 under the head of loss of dependency.**

23. As per the guidelines given by Hon'ble Apex court in the judgment reported in **2017 ACJ 2700** in the case of **National Insurance Company Limited V/S Pranaysethi and others**, the claimants are entitled to Rs.25,000/- towards loss of estate and Rs.25,000/- towards funeral expenses and claimant No.1 is entitled for Rs.50,000/- towards consortium and Rs.80,000/- towards Loss of Love and Affection.



In view of the discussions above, the claimants are entitled for compensation under the following heads;

Sl.No.	Heads	Compensation
1	Loss of dependency	Rs.9,00,000-00
2	Loss of Love and Affection	Rs. 80,000-00
3	Funeral expenses	Rs. 25,000-00
4	Loss of Estate	Rs. 25,000-00
5	Loss of Consortium	Rs. 50,000-00
	Total	Rs.10,80,000-00

24. Thus the claimant being the mother and respondent no.3 being wife are entitled for above determined compensation in the ratio of 60:40.

25. The respondent No.1 is the MESTRI and respondent no.2 is owner of offending building are jointly and severally liable to pay compensation.

26. The claimants have claimed the compensation with interest at the rate of 12% P.A. from the date of petition till its realization. In



Kaladevi and others V/s Bhagawan Das Chavan and others (2015) SCC 771 the Hon'ble Supreme Court of India has held that, "9% interest P.A. is justified in Motor Accident Cases as well as in workmen's compensation ACT". Hence, in the light of this decision and considering the circumstances in the present case, the claimants are entitled for interest of 9% P.A. from the date of the petition till its realization. Therefore for the forgoing reasons, Issue No.2 is answered as claimants are entitled for above determined compensation with simple interest at the rate of 9% P.A. from the date of petition till realization.

27. ISSUE No.4: For the aforesaid reasons on Issues No.1 to 3, I proceed to pass the following:-

ORDER

The petition filed by the petitioner for the relief of compensation under section 10 of the Workmen's Compensation Act is hereby partly allowed with cost, Rs.10,80,000/- awarded in present petition to the petitioners and respondent no 3, in the ratio of 60:40 respectively.



Respondent No.1 and 2 are jointly liable to pay the said compensation amount of Rs.10,80,000/- with interest at the rate of 9% P.A. from the date of petition till its realization of entire amount. In order to indemnify the petitioners, the respondent No.2 shall deposit the said amount within 30 days from the date of award.

The respondent No.1 and 2 are directed to deposit the compensation amount through the process of any FD and RTGS directly to the bank account of the petitioner.

In the event of deposit of compensation amount, 50% of the amount awarded in favour of the petitioner by name Smt. Laxmi W/o Ramappa and respondent no.3 Smt. Gangamma W/o Late Suresh shall be deposited in any nationalized bank of their choice for a period of 3 years with a liberty to draw the accrued interest, if required once in 6 months and balance compensation amount shall be credited to the bank account of the petitioners and respondent no.3.



The advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer, directly typed and print out taken by him and then corrected, signed and then pronounced by me in the open court on this the 2nd day of June 2026).

(UNDI MANJULA SHIVAPPA)
Senior Civil Judge & JMFC.,
Lingasugur.

ANNEXURE

List of witnesses examined for the petitioner:-

- | | |
|------|--------------------------------|
| PW.1 | Ramappa S/o Late Hanumantha. |
| PW.2 | Smt. Lakshmi W/o Late Ramappa. |

List of documents marked for the petitioner:-

- | | |
|---------------|---|
| Ex.P.1 | Certified copy of FIR. |
| Ex.P.2 | Certified copy of complaint |
| Ex.P.3 | Certified copy of order sheet in CC.No.857/2020 |
| Ex.P.4 | Certified copy of charge sheet. |
| Ex.P.5 | Certified copy of spot mahazar. |
| Ex.P.6 | Certified copy of inquest mahazar. |
| Ex.P.7 | Certified copy of post mortem report. |
| Ex.P.8 & 9 | Legal notices. |
| Ex.P.10 to 12 | Return postal covers. |
| Ex.P.13 to 16 | Postal acknowledgements. |



Ex.P.17 & 18 Postal tracking consignment.

Ex.P.19 Death certificate.

List of witnesses examined for the respondents:

RW.1 Smt. Gangamma W/o Suresh @ Suresh Kumar.

RW.2 M. Chittibabu S/o Changaiah Naidu.

List of documents marked for the respondents:

-Nil-

Senior Civil Judge & JMFC.,
Lingasugur.