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**BEFORE THE SENIOR CIVIL JUDGE AND
COMMISSIONER FOR EMPLOYEE'S
COMPENSATION , YADGIR.**

Present: Sri. Balasaheb Wadavade,
B.Com., LL.B.(Spl.)
Senior Civil Judge and CJM,
Yadgir.

Dated this the 16th Day of March, 2026

E. C. A.No.01/2022

- PETITIONERS :**
1. Bheemamma W/o Hanumantha,
Age: 40 years, Occ: Household,
 2. Hanumantha S/o Nagappa,
Age: 48 years, Occ: Nil

(Petitioners are represented by Sri.S.B Adv.)

// VERSUS //

- RESPONDENTS:**
1. Narayan S/o HanumappaMane,
Age: 60 years, Occ: Owner of the
tractor bearing Reg.
No.KA-33-TB-3007,
R/o. Narayanpura, Gurumitalakal
Town, Dist: Yadgiri.
Pin: 585214.
Mobile No.9731076555.
 2. SBI General Insurance Co.Ltd,
1st Floor, Rukmini Towers,
3/1, platform road,
Sheshadripuram, Bengaluru-560020,
through its claims manager.

(Respondent No.1 exparte)

(Respondent No.2 is represented by: Sri.V.V.K, Adv.)

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J U D G M E N T

This is a petition filed by the petitioners under sections 3, 10 and 4-A of W. C. Act, 1923 by seeking compensation amount of Rs.20,00,000/- with an interest for the death from the date of accident till its realization in the interest of justice.

2. Facts of the petitioners are as under:

The petitioners have alleged that deceased Dodda Mahesh S/o Hanumant was working as driver of Tractor bearing Reg. No.KA.33-TB-3007 of the respondent No.1 and getting salary of Rs.15,000/- per month. He was 20 years old at the time of accident. On 31.12.2021, at around 3 pm, as per directions of the respondent No.1, Dodda Mahesh was proceeding by tractor bearing Reg. No.KA.33-TB-3007 and 1471 by loading soil, after unloading the same, while returning to Narayanpur, on the way, near Srinivas Dasari field, the said tractor met with an accident.

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Due to this, Dodda Mahesh sustained grievous injuries and died at spot. Thereafter, a case was registered by the Gurumitakal P.S in crime No.201/2021. The said accident was caused during the course of his employment.

3. The deceased was hale and healthy prior to accident and was working as driver of the respondent No.1's Tractor bearing Reg. No.KA.33-TB-3007. They have suffered great and untold hardship due to death of Dodda Mahesh. The respondent No.1 being an owner and respondent No.2 is the insurer of the Tractor bearing Reg. No.KA.33-TB-3007, hence they are jointly and severally liable to pay the compensation to the petitioners. Hence, they have filed this petition for compensation.

4. After registration of the petition, this court has issued notice against the respondents, notices are served against them, the respondent No.1 did not

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appear. The respondent No.2 has appeared and filed an objection to the main petition. In the objection, he has admitted the insurance policy of the Tractor bearing Reg. No.KA.33-TB-3007 was covered by him. He denied that deceased Dodda Mahesh was not the driver of Tractor bearing Reg. No.KA.33-TB-3007 as on the date of incident. He further denied the age and income of the deceased. He further stated that deceased was not working under the respondent No.1 as driver of Tractor bearing Reg. No.KA.33-TB-3007. Further, the respondent No.2 has denied the contents of petition paras. Compensation is claimed by the petitioners is exorbitant. He has prayed to dismiss the petition.

5. On the basis of pleadings, the issues that have framed by my predecessor officer

I S S U E S

- 1.** Whether the petitioners prove that there exists an employer and employee

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relationship between the respondent No.1 and deceased Dodda Mahesh within the meaning of employees compensation Act ?

2. Whether the petitioners prove that, deceased Dodda Mahesh met with an accident which is arising out of and in the course of his employment under the respondent No.1?

3. Whether the respondent No.2 proves that driver of the Tractor bearing Reg. No.KA.33-TB-3007 did not possess valid and effecting driving licence at the time of accident ?

4. Whether the petitioners prove that they are entitled for the compensation? If so, how much and from whom?

5. What order or award?

6. In order to prove the issues, petitioner No.1 examined herself as P.W.1 and got marked documents and closed her side evidence. On the other hand, respondent No.2 examined Apsara W/o Mustafa as

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RW-1 and got marked documents and closed her side evidence.

7. Heard arguments on both sides. Perused the case papers.

8. My answer to the above issues are as under :

Issue No.1: In the affirmative.

Issue No.2: In the affirmative.

Issue No.3: In the affirmative.

Issue No.4: In the partly affirmative.

Issue No.5: As per final order for the following;

R E A S O N S

9. **ISSUES NO.1 and 2.** Since these issues are interlinked to each other, hence these issues are taken together for common discussion to avoid the repetition of facts. In order to prove these issues, the petitioner No.1 examined herself as P.W.1 by filing examination in chief affidavit wherein she has stated that her son by name Dodda Mahesh S/o Hanumant was working

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as driver of Tractor bearing Reg. No.KA.33-TB-3007 of the respondent No.1 and getting salary of Rs.15,000/- per month. He was 20 years old at the time of accident. On 31.12.2021, at around 3 pm, as per directions of the respondent No.1, Dodda Mahesh was proceeding by tractor bearing Reg. No.KA.33-TB-3007 and 1471 by loading soil, after unloading the same, while returning to Narayanpur, on the way, near Srinivas Dasari field, the said tractor met with an accident. Due to this, Dodda Mahesh sustained grievous injuries and died at spot. Thereafter, a case was registered by the Gurumitakal P.S in crime No.201/2021. The said accident was caused during the course of his employment. Her son was hale and healthy prior to accident and was working as driver of the respondent No.1's Tractor bearing Reg. No.KA.33-TB-3007. They have suffered great and untold hardship. The respondent No.1 being an owner and

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respondent No.2 is the insurer of the tractor bearing Reg. No.KA.33-TB-3007, hence they are jointly and severally liable to pay the compensation to the petitioners, in order to prove these facts, they have produced the following documents,

Ex.P-1 is the certified copy of the first information report of Gurumitakal police station crime number 0201/2021.

Ex.P-2 is the certified copy of complaint.

Ex.P-3 is the certified copy of final report.

Ex.P-4 is the certified copy of post-mortam report.

Ex.P-5 is the certified copy of motor vehicles accident report.

10. Carefully perused the documents by this tribunal, these documents are suffice that on 31.12.2021, petitioner No.1 has lodged an information before the police station by stating that her son by name Dodda Mahesh S/o Hanumant was working as driver of

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Tractor bearing Reg. No.KA.33-TB-3007 of the respondent No.1 and getting salary of Rs.15,000/- per month. He was 20 years old at the time of accident. On 31.12.2021, at around 3 pm, as per directions of the respondent No.1, her son by name Dodda Mahesh was proceeding by tractor bearing Reg. No.KA.33-TB-3007 and 1471 by loading soil, after unloading the same, while returning to Narayanpur, on the way, near Srinivas Dasari field, the said tractor met with an accident. Due to this, Dodda Mahesh sustained grievous injuries and died at spot. On this information, the police have registered a case bearing No.0201/2021. The respondent No.1 did not dispute an accident and involvement of tractor by appearing. Further, version of the PW-1 and documents are not challenged by the respondent No.1 by appearing. Further Ex.P.1 to 5 are corroborated with an evidence of PW-1. Further the PW-1 cross examined by the

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learned counsel for the respondent No.2 wherein he nothing has been elicited in the mouth of the PW-1 in support of his defence. Further exhibits and evidence of PW-1 suffice that son of the PW-1 was working as driver of the respondent No.1's tractor bearing registration No.KA-33-TB-3007 and 1471. Further, respondent No.2 has admitted that tractor bearing registration No.KA-33-TB-3007 and 1471 is belongs to the respondent No.1. Further respondent No.1 does not stated that son of the PW-1 was not working as driver in his tractor bearing registration No.KA-33-TB-3007 and 1471 by appearing. Further Ex.P.4 suffice that son of the PW-1 by name Dodda Mahesh was died on 31.12.2021. So, these documents suffice that son of the PW-1 met with an accident with tractor and sustained grievous injuries and died at spot. As per the issue, the respondent No.2 did not produce any document to show that deceased was not the driver of

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the respondent No.1's tractor bearing registration No.KA-33-TB-3007 and 1471 and there is no relation between the deceased and respondent No.1 as employee and employer. Thus on the above said reasons this tribunal answers the issue No.1 and 2 in the affirmative.

11. Issue No.3: In order to prove this issue, one person by name Apsara W/o Mustafa examined herself as RW-1 by filing examination in chief affidavit wherein she reiterated the contents of objection. In support of oral evidence, she has produced the following documents,

Ex.R-1 is the notice issued by the learned counsel for the respondent No.2 against respondent No.1 on 23.03.2024 by demanding copy of policy, copy of registration certificate of tractor bearing registration No.KA-33-TB-3007 and 1471, copy of fitness certificate of tractor bearing registration No.KA-33-TB-3007 and

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1471 and copy of driving licence of the driver of tractor bearing registration No.KA-33-TB-3007 and 1471.

Ex.R-2 is the postal receipt.

Ex.R-3 is the notice issued by the learned counsel for the respondent No.2 against respondent No.1 on 23.03.2024 by demanding copy of policy, copy of registration certificate of tractor bearing registration No.KA-33-TB-3007 and 1471, copy of fitness certificate of tractor bearing registration No.KA-33-TB-3007 and 1471 and copy of driving licence of the driver of tractor bearing registration No.KA-33-TB-3007 and 1471.

Ex.R-3(a) is the cover.

Ex.R-4 is the authorization letter dated 14.01.2026.

Ex.R-5 is the insurance copy of the tractor bearing registration No.KA-33-TB-3007 and 1471.

12. Further RW-1 cross examined by the learned counsel for the petitioners wherein she admits that offending tractor bearing registration No.KA-33-TB-

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3007 and 1471 was covered insurance by the respondent No.2. Perused the final report it suffice that police have filed final report against the driver of Tractor bearing Reg. No.KA.33-TB-3007 for the offences punishable under sections 279 and 304-A of I.P.C, 1860 and sections 180, 181 and 196 of I.M.V. Act. Therefore final report suffice that driver of the Tractor bearing Reg. No.KA.33-TB-3007 did not possess valid and effective driving licence but it was insured with the respondent No.2 at the time of accident and respondent No.1 has violated the insurance policy condition of the Tractor bearing Reg. No.KA.33-TB-3007. Further respondent No.2 had issued a legal notice against the respondent No.1 by demanding productions of Tractor bearing Reg. No.KA.33-TB-3007's all necessary documents but he did not produce those documents and not give reply to it. Hence adverse inference drawn against respondent

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No.1. Thus on the above said reasons this tribunal held that respondent No.2 has proved this issue. Accordingly this tribunal answers the issue No.3 in the affirmative.

13. Issue No.4: To assess the compensation, the tribunal has to look into several factors like age, avocation, income of the deceased.

14. In the petition, age of the deceased shown as 20 years. In the post-mortam age of the deceased shown as 19 years. The petitioners have stated that deceased was working as driver and getting salary of Rs.15000/- per month but in order to prove this fact, they do not not produced any income documents of the deceased. So this tribunal considered the income of the deceased as 8,000/- per month which was fixed by the Ministry of Labour and Employment Notification New Delhi on the 31 st May 2010 So 1258(E).

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15. In exercise of the powers conferred by the sub-section 91B of section 4 of the Employees Compensation Act,1923 (8 of 1923), the Central Government hereby specifies for the purpose of sub-section 91 of the section, the following amount as monthly wages, w.e.f of publication of the Notification in the official gazete, namely: Eight thousand Rupees.

16. Further, **section 4 of the Employee's Compensation Act,1923** deals with for awarding of quantum compensation and also schedule-IV of the said Act, deals with the factor which are applicable for determination of the compensation .

17. So age of the deceased at the time of accident was 19 years as per the post-mortam and it is considered for awarding compensation amount to the petitioners. The relevant fact is 225.22. In this case, son of PW-1 by name Dodda Mahesh was sustained injuries and died at spot during the course of

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employment. Hence, 50% monthly wages of the deceased Dodda Mahesh is comes to Rs.4,000/- which is multiplied with fact 225.22. The loss of income is $4,000 \times 225.22 = \text{Rs.}9,00,880/-$. Thus petitioners are entitled the compensation of Rs.9,00,880/-.

I would like to refer the decision reported **in 2016 SAR (Civi) 372 in between Jaya Biswal and others V/s Iffico Tokio General Insurance Company Limited and others**, wherein the Hon'ble Supreme Court of India has awarded funeral expenses of Rs.25.000/- Hence, in view of decision, this tribunal awarded funeral expenses Rs.25,000/- to the petitioners under this head.

I would like to refer the decision reported **in AIR 2014 Supreme Court 1393 in between Saberabibi Yakubhai Saikh V/s National Insurance Company Limited and others**, wherein the Hon'ble Supreme

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Court of India has held that in case of awarding compensation under Employee's Compensation Act, the rate of interest has to be 12% and it was payable from the date of accident and not from the date of award. In view of the ratio, this tribunal held that petitioners are also entitled for interest at the rate of 12% from the date of accident.

18. Towards Loss of income : The petitioners are entitled the loss of income of Rs.9,00,880/- .

Towards funeral expenses: The petitioners are entitled Rs. 25,000/ towards funeral expenses.

Hence petitioners are entitled for total compensation under the following heads;-

1.	Loss of income	Rs.9,00,880
2.	Funeral Expenses	Rs.25,000/-
	Total	Rs.9,25,880/-

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Regarding liability :- As stated above, the petitioners have proved that deceased by name Dodda Mahesh was died during the course of his employment under the respondent No.1 who is the owner of the tractor bearing registration No.KA-33-TB-3007 and 1471 and it was insured by the respondent No.2 but respondent No.1 has violated the vehicle insurance policy.

Learned counsel for the petitioners has submitted the following decision along with a memo dated: 27-01-2026.

MFA No. 9827 of 2012 between The New India Assurance company limited Davanagere Vs Smt. Sadhika and others. Perused the said decision wherein Hon'ble High court of Karnataka held that para No.15 that in the case on hand, the petitioners claim that the deceased was holding valid driving licence but there is no evidence in proof of it. There is no allegation that the owner was negligent or not

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verified the driving licence of the deceased nor it is a case of fake licence . Under such circumstances, it is a case for the principle of pay and recovery.

19. Further petitioners have proved that an accident took place due to negligence driving of the tractor bearing registration No.KA-33-TB-3007 and 1471. Further respondent No.2 has proved that owner of the tractor bearing registration No.KA-33-TB-3007 and 1471 had violated the terms and conditions of the insurance policy of the tractor bearing registration No.KA-33-TB-3007 and 1471. Hence, respondent No.1 is the owner of the tractor bearing registration No.KA-33-TB-3007 and 1471. So he ie respondent No.1 is liable to pay compensation amount of Rs.9,25,880/- to the petitioners along with an interest at the rate of 6% per annum from the date of petition till its realization.

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I would like to refer the decision of our own Hon'ble **High Court of Karnataka, the said decision is MISCL.FIRST APPEAL No.200354 of 2020 (MV-I).**

Between the Manager/Legal officer Shriram General Insurance Company Limited V/s Chandrareddy and another. Perused the decision it reveals that Hon'ble High court of Karnataka has held at para No.5 that insurance company has to pay the compensation award and recover the same from the owner of the offending vehicle.

20. In this petition also, driver of the tractor bearing registration No.KA-33-TB-3007 and 1471 did not possess valid and effective driving licence of the tractor but it was insured with the respondent No.2. So above decision is applicable to the present petition.

21. In this case, the respondent No.2 has issued a notice against respondent No.1 on 23-03-2024 by

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demanding productions of documents how it occurred, copy of the insurance policy, copy of vehicle registration certificate, copy of the fitness certificate, copy of the licence of the driver at the time of accident. But he did not produce said documents before the respondent No.2 or in this case or did not give reply to the notice. Hence, adverse inference drawn against respondent No.1. Thus, respondent No.1 is liable to pay the compensation amount of Rs.9,25,880/- (Nine lakh, twenty five thousand, eight hundred eighty rupees only) to the petitioners with an interest @ 12% per annum from the date of accident till its realization. Further respondent No.2 is the insurer, he is directed to deposit and pay compensation amount of Rs 9,25,880/- (Nine lakh, twenty five thousand, eight hundred eighty rupees only) to the petitioners and recovery the same from the respondent No.1. Hence,

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on the above said reasons this tribunal answers the issue No. 4 in the affirmative .

22. Issue No.5:- In view of the reasons stated in the Issue No. 1 to 4, this tribunal proceeds to pass the following:

O R D E R

This is a petition filed by the petitioners under sections 3, 10 and 4-A of the Employees' Compensation Act, 1923 is hereby partly allowed with costs.

The petitioners are entitled for compensation amount of Rs.9,25,880/- (Nine lakh, twenty five thousand, eight hundred eighty rupees only) with interest at 12% p.a from the respondents from the date of accident till realization.

The respondent No.1 is liable to pay the compensation amount of Rs.9,25,880/- (Nine lakh, twenty five

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thousand, eight hundred eighty rupees only) with an interest per annum at the rate of 12% to the petitioners from the date of accident within a period of one month from the date of award.

The respondent No.2 being the insurer, he is liable to deposit and pay the compensation amount of Rs.9,25,880/- (Nine lakh, twenty five thousand, eight hundred eighty rupees only) to the petitioners within a period of one month from the date of award.

It is further ordered that office is hereby directed to release 80% compensation amount to the petitioners and remaining 20% of amount shall be keep fixed deposit in the name of petitioners in any nationalized bank or schedule bank for a period of 2 years after deposit of

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the aforesaid compensation amount
by the respondents.

Advocate fee is fixed at
Rs.2,000/-.

Draw an award accordingly.

(Typed by me on the laptop, corrected by me and then pronounced in the
open court this the 16th day of March 2026)

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri.

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**A N N E X U R E****LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS:**

P.W-1 : Bheemamma W/o Hanamant.

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :

R.W-1 : Apsara W/o Mustafa.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONERS :

Ex.P-1 : Certified copy of FIR.

Ex.P-2 : Certified copy of complaint.

Ex.P-3 : Certified copy of final report

Ex.P-4 : Certified copy of post-mortam.

Ex.P-5 : Certified copy of MVA.Report.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS :

Ex.R-1 : Notice.

Ex.R-2 : Postal receipt.

Ex.R-3 : Notice.

Ex.R-3(a) : Cover.

Ex.R-4 : Authorization letter.

Ex.R-5 : Insurance copy of the tractor.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS:

-Nil-

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri