



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
MISCELLANEOUS FIRST APPEAL NO.6818/2018 (WC)

BETWEEN:

1. THE MANAGING DIRECTOR
MY SUGAR CO LTD
MANDYA-571401.
2. THE CHIEF ADMINISTRATIVE OFFICER
MY SUGAR COMPANY LTD
MANDYA-571401.

...APPELLANTS

(BY MS. CHETHANA MANJUNATH, ADV., FOR
MR. B.S. MANJUNATH, ADV.,)

AND:

H.N. PRAKASH
S/O LATE NAGARAJU
AGED ABOUT 37 YEARS
R/A HOUSE NO.39
2ND CROSS, SWARNASANDRA
MANDYA-571401.

...RESPONDENT

(BY MR. K.L. SREENIVASA, ADV.,)

THIS MFA IS FILED UNDER SECTION 30(1) OF THE ECA ACT, R/W SECTION 96 OF CPC, AGAINST THE JUDGMENT AND AWARD DATED 08.03.2018, PASSED IN ECA NO.4/2016 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND CJM, COMMISSIONER FOR EMPLOYEES COMPENSATION MANDYA, AWARDED COMPENSATION OF RS.9,11,400/- WITH INTEREST @ 12% P.A. FROM THE DATE OF ACCIDENT TILL DEPOSIT.

Digitally signed
by ARSHIFA
BAHAR
KHANAM

Location: HIGH
COURT OF
KARNATAKA



THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the employer challenging the judgment and award dated 08.03.2018 passed in E.C.A.No.4/2016 by the Principal Senior Civil Judge and the Commissioner for Employee's Compensation, Mandya (for short, 'the Commissioner').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Miss Chetana Manjunath, learned counsel appearing for the appellants submits that the Commissioner has committed a grave error in allowing the claim petition filed by the son of the deceased workman by ignoring the fact that the claim petition was filed after a period of 5 years from the date of death of the workman. It is submitted that the claimant has failed to prove that the death of the workman was having a nexus with the injuries suffered by him in an accident caused



during his employment on 02.08.2011 and also failed to produce the post-mortem report which would have indicated the cause of death. In the absence of any evidence, the Commissioner proceeded to record the reason that the workman suffered grievous injuries and thereafter, succumbed to those injuries. It is further submitted that the claimant-son of the deceased workman produced the payslip for the month of July 2011 as Ex.P4, which indicates the higher salary drawn by the workman and the payslip produced by the employer as per Ex.R6 has been ignored by the Commissioner. Lastly, she submits that the Commissioner has saddled the liability of interest from the date of accident i.e. 02.08.2011, ignoring the fact that the appeal is filed in the year 2016 which is more than 5 years from the date of accident and for the lapse of the workman or his legal heir, the employer cannot be saddled the liability to pay the interest. Hence, she seeks to allow the appeal.

4. *Per contra*, Sri.K.L.Sreenivasa, learned counsel appearing for the respondent supports the impugned judgment and award of the Commissioner and submits that the father of



the claimant sustained severe burnt injuries during the course of employment on 02.08.2011. He was provided treatment in different hospitals. He was an inpatient for nearly 21 days. Thereafter, he was treated as an outpatient and later he succumbed to the said injuries on 17.11.2011. It is submitted that an application for compensation was filed along with an application seeking for condonation of delay and the delay was condoned by the Commissioner by a separate order which was not challenged by the appellant. It is further submitted that the deceased workman had taken Guru Deeksha from his pontiff whom he followed and as per the said Guru Deeksha, a dead body cannot be dissected and cannot be taken for autopsy. Hence, the deceased was not taken for autopsy and the post-mortem report was not available. There is sufficient material to prove that the death of the deceased has a nexus with his employment. It is also submitted that just before the accident, the salary drawn by the workman was Rs.14,534.62 as is evident from Exs.P4 and P5 which was produced before the Commissioner and the same was accepted by the Commissioner. Hence, he seeks to dismiss the appeal.



5. I have heard the learned counsel appearing for the appellant, the learned counsel appearing for the respondent and perused the material available on record.

6. The material on record indicates that the son of deceased employee-Nagaraju has filed a claim petition seeking compensation for the death of his father, who was working in factory of the appellant No.2. The records further indicate that on 02.08.2011, an accident occurred in the factory when deceased Nagaraju was working as a boiler attendant. The workman, during the course of employment sustained burnt injuries upto 30% and was provided treatment at Victoria Hospital, Bangalore as well as BGS Apollo Hospital, Bangalore. The records indicate that the deceased workman was an inpatient for more than 15 days and thereafter was treated as an outpatient. The evidence of PW-1 - claimant and son of the workman, clearly indicates that after the accident on 02.08.2011, his father was provided continuous treatment till his death. PW-2 is a co-worker who was working with deceased Nagaraju. He also deposed that the deceased suffered the injuries during the course of his employment and



later succumbed to the said injuries. A cogent reading of the oral testimony of PW-1 and PW-2 and other medical records like wound certificate-Ex.P3 and the charge sheet material, clearly indicates that the accident occurred during the course of employment and the workman has succumbed to the injuries on 17.11.2011 during the period of treatment. The Commissioner, considering this aspect has clearly recorded the finding that mere non-production of the post-mortem report by the legal representatives of the deceased employee cannot be the sole basis to deny the claim for compensation and hence, cannot come to the conclusion that there is no nexus with regard to the accidental injuries and the consequential death. I do not find any perversity in the finding recorded by the Commissioner as those findings are based on the oral testimony of the claimant as well as the co-workman. It is to be noticed that the employer has not taken such a contention in the objections filed before the Commissioner. But, during the evidence, as an afterthought, now the employer is disputing the cause of death without any justifiable reason or cogent evidence. Hence, the said contention is liable to be rejected and is accordingly rejected.



7. Insofar as the delay in filing the claim petition is concerned, it is to be noticed that the workman suffered injuries on 02.08.2011 and succumbed to the said injuries on 17.11.2011. Already, this Court has recorded the finding that there is co-relation between the injuries and the death of the workman. In his cross examination, PW-1 has stated that he could not file the claim petition due to the financial difficulties. Be that as it may, the claimant has filed the petition along with an application under Section 5 of the Limitation Act, 1963, seeking condonation of delay for filing the petition for claim. The said application was duly considered by the Commissioner and a detailed order was passed on 06.04.2017, which has attained finality. In the absence of any challenge to the said order, the contention with regard to delay cannot be accepted. However, it is also to be noticed that the Commissioner has committed an error in saddling the liability of interest for the delayed period which is required to be taken note of by this Court. Insofar as the income of the workman is concerned, the Commissioner, at paragraph 16 has recorded a detailed reasoning for disbelieving Ex.R6 and accepting Ex.P4, salary



slip of July 2011. I do not find any error or perversity in the finding recorded by the Commissioner with regard to the income of the deceased workman.

8. For the aforementioned reasons, I proceed to pass the following:

ORDER

- (a) The appeal is ***allowed-in-part***. Consequently, the pending application stands disposed of.
- (b) The impugned judgment and award dated 08.03.2018 passed in E.C.A.No.4/2016 by the Principal Senior Civil Judge and the Commissioner for Employee's Compensation, Mandya, insofar as the quantum of compensation, liability and rate of interest at 12% p.a., is affirmed.
- (c) However, it is made clear that the claimant would only be entitled to interest from the date of petition till the date of deposit.
- (d) To the aforesaid extent, the impugned judgment and award of the Commissioner is modified.



- (e) Registry shall transmit the records to the Tribunal forthwith.
- (f) Draw the modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 25