



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.1517/2020 (ECA)

BETWEEN:

SMT. MANJULA
AGED 46 YEARS
W/O P. RAJU
R/O HOPE DIVISION (AREKAD)
HOSALLI ESTATE, TATA COFFEE LTD.
POLLIBETTA, VIRAJPET TALUK
KODAGU DISTRICT.

...APPELLANT

(BY SRI. NARAYANA SWAMY K.B. ADV.,)

AND:

1. THE MANAGER
HOPE DIVISION (AREKAD)
HOSALLI ESTATE, POLLI BETTA
VIRAJPET TALUK
KODAGU DISTRICT.
2. THE ORIENTAL INSURANCE CO. LTD.
RICHMOND ROAD BRANCH 9CB0 15
NO.5, RICHMOND PLAZA
BANGALORE-560 025.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADV., FOR R2
R1 SERVICE OF NOTICE D/W)

Digitally signed
by ARSHIFA
BAHAR KHANAM
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, AGAINST THE JUDGMENT AND AWARD DATED 08.07.2019 PASSED IN ECA.NO. 08/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION VIRAJPET, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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

ORAL JUDGMENT

This appeal is filed by the injured workmen challenging the judgment and award dated 08.07.2019 passed in the ECA.No.08/2014 by the Senior Civil Judge and Commissioner for Employees Compensation, Virajpet, (for short 'the Tribunal').

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. Sri.Narayana Swamy K.B., learned counsel appearing for the appellant submits that the Tribunal without any justifiable reason assessed the disability at 13.33% which is contrary to Ex.P1 and oral evidence of



CW1. It is submitted that the appellant has sustained a fracture, which has not been properly appreciated by the Tribunal while determining the extent of disability. In support of his contention, he places reliance on the decision in the case of ***S.Ettiappan v. D.Kumar and Another***¹. Accordingly, he seeks to allow the appeal.

4. Per contra, Sri.S.V.Hegde Mulkhand, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the Tribunal is required to assess the loss of earning capacity based on the medical evidence on record. As per the evidence of CW1, the doctor has assessed the disability in the range of 35% to 40% and has expressed uncertainty regarding the exact extent of disability. Therefore, the Tribunal, considering one-third of the said assessment, has reasonably determined the disability and hence, he seeks to dismiss the appeal.

¹ SLP(C) Nos.15621/2025 dated 16.10.2025



5. I have heard the arguments on both the sides and meticulously perused the material available on record including the Tribunal records.

6. The present appeal is filed only to the extent of the assessment of disability by the Tribunal at 13.33%. The primary contention of the appellant is that as per the disability certificate at Ex.P1, the appellant/workman has suffered disability to the extent of 50%, and as per the oral evidence of CW1, who has clearly deposed that the disability can be assessed between 35% and 40%. Taking into consideration the nature of the injuries reflected in Ex.P1 and the oral testimony of CW1, I am of the considered view that the interest of justice would be met if the disability is assessed at 35%. The rest of the judgment and award passed by the Tribunal shall remain unaltered.

7. It is not in dispute that the claimant was aged about 35 years at the time of the accident; hence, as per schedule IV of the Employees Compensation Act, 1923 the



relevant factor would be 197.06, which has been rightly considered by the Tribunal. Having reassessed the disability of the appellant/claimant, the appellant/claimant is entitled to compensation as under:

$$\text{Rs.}3000 \times 60\% \times 197.6 \times 35\% = \textbf{Rs.1,24,488/-}.$$

8. In modification of the impugned judgment and award of the Tribunal to the above extent, the appeal stands ***partly allowed***. The judgment and award insofar as it relates to the interest and other findings is affirmed. The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment after deducting the amount if any paid.

9. On such deposit, the Tribunal shall release the entire enhanced compensation amount in favour of the appellant. The Registry is directed to transmit the records



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M.F.A. No.1517/2020

to the Tribunal forthwith and draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 12