



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 34790 OF 2025 (GM-AC)

BETWEEN:

1. THE BRANCH MANAGER
NATIONAL INSURANCE CO LTD.,
MANDYA OFFICE

THROUGH ITS REGIONAL OFFICE
NO.144, SUBHARAM COMPLEX
M G ROAD, BANGALORE - 560 001.
REP BY ITS
ASSISTANT DEPUTY MANAGER
REGISTERED UNDER
COMPANIES ACT VI OF 1882.

...PETITIONER

(BY SRI. JANARDHANA REDDY, ADVOCATE)

AND:

1. SMT. BHAGYAMMA
W/O NINGAIAH
AGED ABOUT 64 YEARS
2. SRI. NINGAIAH
S/O KARIGOWDA
AGED ABOUT 61 YEARS



3. MANGAAGOWRI
D/O NINGAIAH
AGED ABOUT 32 YEARS

ALL ARE R/AT HULIVANA VILLAGE
KERAGDU HOBLI, MANDYA TALUK
AND DISTRICT - 571 401.

4. SRI. R. SHASHIKUMAR @ SANJAYA
S/O RAMSHA
AGED ABOUT 32 YEARS
R/AT HARALAKERE VILLAGE
KOPPA HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 401
(OWNER OF THE BUS BEARING
NO. KA-20-A-3636)

...RESPONDENTS

(BY SRI. GOKUL .H.R, ADVOCATE FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH
THE ORDER DATED 08.10.2025 MADE ON IA NO. 1 IN ECA
3/2019 MADE BY THE PRL. SENIOR CIVIL JUDGE AND CJM
AT MANDYA AS ANNEX-E.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is instituted by the National Insurance Company Limited calling in question the legality and correctness of the order passed by the Court below on an application filed under Section 5 of the Limitation Act, 1963, whereby an inordinate delay of 1500 days in filing the claim petition has been condoned. The grievance of the petitioner-Insurance Company is that such condonation runs contrary to the mandate of Section 10 of the Employees' Compensation Act, 1923, which prescribes a limitation period of two years from the date of the accident for instituting a claim petition.

2. Heard the learned counsel appearing for the petitioner-Insurance Company and the learned counsel representing the claimants.

3. The material on record would indicate that the claim petition arises out of the death of the claimants' son, late Ananda. The claimant-mother, having suffered the



irreparable loss of her son, who was also the breadwinner of the family, has approached the competent authority seeking compensation under the provisions of the Act. It is not in dispute that there is an inordinate delay of 1500 days in presenting the claim petition. However, in matters arising out of death, particularly where a mother seeks compensation for the loss of her son, the approach of the Court cannot be hyper-technical or pedantic. The Court is required to bear in mind the socio-economic realities and the profound human element involved in such cases, where the loss of a breadwinner has a cascading effect on the sustenance of the family. Therefore, a certain degree of latitude is required while considering applications for condonation of delay in such cases.

4. At the same time, the apprehension of the petitioner-Insurance Company cannot be brushed aside. The principal prejudice that would be caused to the Insurance Company on account of such condonation is in regard to the statutory liability to pay interest, ordinarily



at the rate of 6% per annum under the Act. In order to strike a balance between the equities and to safeguard the interests of both parties, this Court is of the considered view that while the delay in filing the claim petition deserves to be condoned having regard to the nature of the claim, the claimants cannot be permitted to derive benefit of interest for the period attributable to such delay.

5. Therefore, it is deemed appropriate that in the event the Court below determines compensation payable to the claimants, the claimants shall not be entitled to interest for the interregnum period, namely from 04.11.2014 (the notional date from which the cause is reckoned) till 12.02.2019 (the date of presentation of the claim petition). By adopting such a course, the substantive right of the claimants to seek compensation for the loss of the breadwinner is preserved, while at the same time, the financial prejudice to the Insurance Company on account of delayed initiation of proceedings is adequately mitigated.



6. In view of the aforesaid observations, this Court is not inclined to interfere with the order impugned. However, the denial of interest for the delayed period, as indicated above, shall form part of the operative directions. With these observations, the petition stands ***disposed of.***

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 Sl No.: 48