

MFA NO. 100556/2026 (ECA)

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[BAJAJ ALLIANZ GENERAL INSURANCE CO LTD VS. SMT
RESHMA W/O VISHWAS GURAV AND OTHERS]

09.04.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD
and
HON'BLE MR JUSTICE SHIVASHANKAR
AMARANNAVAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Sri Ravindra R. Mane, the learned Counsel for the appellant [*an Insurer*], submits that the appellant's grievance with the judgment and award dated 04.12.2025 in E.C.A. No.30/2017 on the file of the Principal Senior Civil Judge and Commissioner under Employees' Compensation Act, 1923, Belagavi [for short, '*the Commissioner*'] is because the Commissioner has overlooked the evidence on record which establishes that the deceased was not in employment under the Insured as he had purchased the vehicle under an agreement agreeing to discharge the loan availed by the Insured by hypothecating vehicle.

The learned counsel also submits that the Commissioner has erred in computing 'loss of dependency', taking the income at Rs.15,000/- when the notification is issued after the date of the accident. The learned counsel proposes the following as substantial questions of law.

[a] Whether the Commissioner's finding on the relationship of employer-employee between the Injured and the deceased is perverse as it overlooks unimpeachable evidence on record.

[b] Whether the Commissioner could have retrospectively applied the Notification enhancing the income under Section 4 of the Employees' Compensation Act, 1923?

The appeal is admitted for consideration on the afore substantial questions of law.

On the grant of interim order, Sri Ravindra R.Mane submits that the entire award amount is deposited with the Commissioner, but there is every likelihood of the amount being disbursed. To ensure that there is no precipitation, an interim order is granted staying the operation and execution

of the Commissioner's impugned judgment and award dated 04.12.2025, but with liberty to the respondents to seek vacating on completion of their pleadings on the application for stay or for early disposal of the appeal.

The Commissioner shall invest the amount deposited by the appellant with a Nationalized Bank on auto renewal instructions.

There shall be notice returnable by **14.07.2026** to the respondents.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANAVAR)
JUDGE

KMS
List No.: 2 Sl No.: 7