



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO. 201204 OF 2022 (ECA)

BETWEEN:

SHIVALAL
S/O ANANDU RATHOD,
AGE: 42 YEARS,
OCC: DRIVER, NOW NIL,
R/O MADHABHAVI L.T.,
TQ. & DIST. VIJAYAPURA-586 102.

...APPELLANT

(BY SRI. KOUJALAGI CHANDRAKANT LAXMAN, ADVOCATE)

AND:

1. SANJAY S/O VACHU LAMANI,
AGE: 47 YEARS, OCC: AGRICULTURE,
R/O TAKKALAKI,
TQ. & DIST. VIJAYAPURA-586 104.
2. THE BRANCH MANAGER,
THE TATA AIG GENERAL INSURANCE CO. LTD.,
PENINSULA CORPORATE PARK,
NIKOLAS PIRAMAL TOWERS, 9TH FLOOR,
GANTAPTRAO KADAM MARG,
LOWER PAREL, MUMBAI-400 013
(MAHARASHTRA STATE).

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADV. FOR R2;
V/O DTD. 23.08.2022, NOTICE TO R1 is DISPENSED WITH)

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 30(1) OF THE EMPLOYEES COMPENSATION ACT, 1923, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 07.12.2021 PASSED IN ECA NO.260/2014 ON THE FILE OF THE COURT OF II ADDITIONAL SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION, VIJAYAPURA AND TO MODIFY THE SAID JUDGMENT AND AWARD BY ENHANCING THE COMPENSATION OF RS.3,60,000/- ONLY AS CLAIMED BY THE APPELLANT BEFORE THIS COURT.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed against the judgment and award dated 07.12.2021 passed by the Commissioner for Employees Compensation, Vijayapura, in ECA No.260 of 2014.

2. The facts of the case are that, the claimant was working as a driver under respondent No.1, who is the owner of TATA Ace vehicle bearing Reg. No.KA-28/N-3662. On 27.03.2013, on the direction of respondent No.1, while the claimant was proceeding on the said vehicle from Madhabhavi LT-1 to Madhabhavi, due to high speed, he lost control over the vehicle and thereby the vehicle



turned turtle, due to which, he fell down and sustained grievous injuries.

3. Therefore, he filed a claim petition before the Commissioner for Employees Compensation, claiming compensation of Rs.5,00,000/- with interest at 18% p.a. from the date of accident till realisation. The Commissioner, considering the entire evidence on record, granted compensation of Rs.1,40,000/- with interest at 12% p.a. from the date of accident till deposit and directed respondent No.2-Insurance Company to deposit the same.

4. Aggrieved by the said judgment and award, the claimant has preferred this appeal, in which it is contended that, he was working as a driver with respondent No.1, he sustained fractural injuries. The Commissioner granted meagre compensation. He was earning Rs.8,000/- per month and also getting Rs.50/- per day as Bhatta, but the Commissioner has taken his income only at Rs.8,000/- per month. It is further contended that, PW.2-Doctor assessed



the disability at 25% to 30% to the lower limb and 15% to 20% to the upper limb, but the Tribunal has taken the disability at 10% only and it is not proper. The appellant incurred Rs.50,000/- towards medical expenses, but the Commissioner has taken it as Rs.15,200/- only. Hence, requested for enhancement of the compensation.

5. Heard the arguments of both sides.

6. The appellant was working as a driver with respondent No.1. He met with an accident on 27.03.2013. The Commissioner has taken his income as Rs.8,000/- per month and 60% of the income was taken for the purpose of calculation, which is just and proper and it needs no interference.

7. The appellant mainly contended that, the disability was wrongly taken at 10% and it is to be enhanced. Considering the nature of injuries, the period of hospitalisation and other fractures, this Court finds it reasonable to enhance the disability to 15%. The



substantial question of law raised by this Court is answered accordingly.

Thus, the compensation comes to Rs.4,800 x 201.66
x 15% = Rs.1,45,195/-.

8. The compensation awarded by the Commissioner under the head 'medical expenses' at Rs.15,200/- is just and proper and it need not be interfered with.

9. Thus, the total compensation comes to Rs.1,60,395/- (Rs.1,45,195 + Rs.15,200). The Commissioner has awarded compensation of Rs.1,40,000/- and after deducting the same, the appellant is entitled for enhanced compensation of Rs.20,395/- with interest at 12% p.a. from the date of accident till the date of deposit and therefore, the appeal deserves to be allowed in part.

10. In the result, the following order is passed:

(i) Appeal is allowed in part.



(ii) The appellant/claimant is entitled for the enhanced compensation of Rs.20,395/- with interest at 12% per annum from the date of accident till the date of deposit.

(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment.

(iv) On such deposit, the appellant is permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P SREE SUDHA)
JUDGE