



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO. 201594 OF 2024 (ECA)

C/W

MISCL. FIRST APPEAL NO. 202333 OF 2022

IN MFA No. 201594/2024:

BETWEEN:

1. KHAJASAB S/O MOULASAB,
AGE: 52 YEARS, OCC: AGRICULTURE,
2. MUNEERA BEGUM W/O KHAJASAB,
AGE: 47 YEARS, OCC: HOUSEHOLD,
BOTH R/OH.NO. 108, J.M. ROAD,
VIJAYAPURA-586104.

...APPELLANTS

(BY SRI. B. K. HIEMATH, ADVOCATE)

AND:

1. AMARAYYA SWAMY S/O SIDDALINGAYYA SWAMY,
AGE: 57 YEARS, OCC: BUSINESS,
R/O MASKI, TQ. LINGASUGURU,
DIST. RAICHUR-584124.
2. THE UNITED INDIA INSURANCE CO. LTD.,
S.S. FRONT ROAD,
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
V/O DTD.01.07.2024 NOTICE TO R1 IS DISPENSED WITH)





THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, PRAYING TO ALLOW THE APPEAL AND ENHANCE THE COMPENSATION AS PRAYED FOR ALONG WITH INTEREST BY MODIFYING THE JUDGMENT AND AWARD DATED 08-02-2021 PASSED BY THE LEARNED II ADDL. SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION AT VIJAYAPURA IN ECA NO.125/2016.

IN MFA NO. 202333/2022:

BETWEEN:

THE UNITED INDIA INSURANCE COMPANY LIMITED,
S S FRONT ROAD, VIJAYAPURA,
THROUGH ITS DIVISIONAL MANAGER.

...APPELLANT

(BY SRI MANVENDRA REDDY, ADVOCATE)

AND:

1. KHAJASAB S/O MOULASAB
AGE: 51 YEARS, OCC: AGRICULTURE.
2. MUNEERA BEGUM W/O KHAJASAB,
AGE: 57 YEARS, OCC: HOUSEHOLD,
BOTH ARE R/O H NO.108 J M ROAD,
VIJAYAPURA-586101.
3. AMARAYYA SWAMY S/O SIDDALINGAYYA SWAMY,
AGE: 56 YEARS, OCC: BUSINESS,
R/O MASKI, TQ. LINGASUGUR,
DIST. RAICHUR.

...RESPONDENTS

(BY SRI B.K. HIREMATH, ADVOCATE FOR R1 & R2;
R3 SERVED)



THIS MFA IS FILED U/S. 30(1) OF EMPLOYEES COMPENSATION ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 08.02.2022 PASSED BY THE II ADDL. SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION ACT AT VIJAYAPUR, IN ECA NO.125/2016 BY ALLOWING THE APPEAL AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

These appeals are directed against the judgment and award dated 08.02.2021 passed in ECA No. 125 of 2016 by II Additional Senior Civil Judge and Commissioner for Employees' Compensation, Vijayapura (for short, "the learned Commissioner"), awarding compensation to the claimants.

2. The factual matrix of the case are that the son of the claimant-Tamin was working with the respondent No.1 as a driver of the tractor bearing Registration No.



KA-36/TC-2876, which was used for agricultural operations. It is further stated that on 07.01.2016, while washing the said tractor, the deceased sustained fatal injuries and succumbed to the same. Feeling aggrieved the same, the parents of the deceased, filed ECA No.125 of 2016, seeking compensation.

3. After service of notice, the respondents entered appearance and the Insurance Company contested the claim petition.

4. In order to support their contentions, the claimants examined 03 witnesses as PW1 to PW3 and marked 06 documents as Exs.P1 to P6. On behalf of respondent No.2 – the Insurance Company, 03 witnesses were examined as RW1 and RW2, and 02 documents were marked as Exs.R1 and R2.

5. The learned Commissioner, after considering the material on record, by judgment dated 08.02.2021,



awarded compensation of Rs.7,99,795/- with interest at the rate of 12% per annum and ordered that respondent No.2 is liable to pay the compensation to the claimants. Feeling aggrieved by the quantum of compensation as inadequate, the claimants have preferred MFA No. 201594 of 2024. On the other hand, the Insurance Company has preferred MFA No. 202333 of 2022 challenging both the liability and the quantum of compensation.

6. This Court, by order dated 15.01.2025, formulated the following substantial question of law:

“Whether the Commissioner under the Employees Compensation Act, is justified in fastening the liability on the Insurance company, though there is evidence to show that the driving license is fake and fraudulent ?

7. I have heard Sri Manvendra Reddy, learned counsel appearing for the Insurance Company, and Sri



B.K. Hirmanth, learned counsel appearing for the claimants.

8. Sri Manvendra Reddy, learned counsel appearing for the Insurance company, invited the attention of the Court to Ex.R1 and the evidence of RW1 and RW2 and contended that the claim petition was filed on the basis of a fake driving license allegedly issued in favour of the deceased Tamin. He further argued that the claimants approached the learned Commissioner by misrepresentation and committed fraud, and therefore, it is argued that, they are not entitled to compensation.

9. Per contra, Sri. B. K. Hiremath, learned counsel appearing for the claimants sought to justify the impugned judgment and award passed by the learned Commissioner and further argued that the liability be fixed on the owner of the vehicle. He also submitted



that the Insurance Company may be directed to pay the compensation and thereafter, recover the same from the owner of the vehicle.

10. In the light of the arguments advanced by the learned counsel appearing for the parties and upon perusal of the findings recorded by the learned Commissioner, it is evident that the deceased Tamin died on 07.10.2016 while using the tractor bearing Registration No. KA-36/TC-2876. A perusal of the original records indicate that the claim for compensation was based on the driving license produced at Ex.R1. In order to prove that the license was fake, the Insurance company examined RW1 – Sri Shaik Fairoj Subhan, working as Motor Vehicle Inspector in the Regional Office at Aurangabad. RW1, deposed that the driving license produced by the claimants, said to have been issued in favour one



Shaikh Akhil S/o. Shaikh Aminoddin and it is fake driving license and was not issued by their office.

11. In that view of the matter, I am of the opinion that, the claimants committed fraud in seeking compensation from the Insurance Company as to indemnifying respondent No.1-the owner of the vehicle. It is a well-settled principle of law, as laid down by the Hon'ble Supreme Court in the case of ***S.P. Chengalvaraya Naidu (Dead) by LRs vs. Jagannath (Dead) by LRs and Others***, reported in (1994) 1 SCC 1, that a party who approaches the Court with unclean hands and commits fraud to obtain an unjust gain, is not entitled to any relief. Paragraph 6 of the said judgment reads as under:

"6. The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to



gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Exhibit B-1S) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property on his own behalf and not on behalf of Chunilal Sowcar. Non-production and even non-mentioning of the release deed at the trial tantamounts to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily produced the certified registered copy of Exhibit B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party."

12. Following the declaration of law made by the Hon'ble Supreme Court in the aforesaid case, I am of the opinion that the Insurance Company cannot be saddled with the liability to pay compensation to the



claimants. However, there is no impediment for the claimants to seek compensation from the owner of the vehicle, if so advised.

13. Having arrived at the conclusion that the claimants are not entitled for compensation from the Insurance Company, the substantial question of law framed above is answered in favour of Insurance company. Accordingly, I pass the following:

ORDER

- i. MFA No. 202333 of 2022 filed by the Insurance Company ***allowed***.
- ii. *MFA No. 201594 of 2024 filed by the claimants is ***dismissed***.
- iii. The judgment and award dated 08.02.2021 passed in ECA No. 125 of 2016 on the file of II Additional Senior Civil Judge and Commissioner for Employees' Compensation, Vijayapura, is modified insofar as

*corrected vide chambers order dated 10.03.2026.



liability is concerned. The claimants are entitled for compensation only from respondent No.1 – the owner of the vehicle in question.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 SI No.: 29
CT:PK