



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.201764 OF 2022 (ECA)

BETWEEN:

1. SMT. ANNAPOORNA W/O BALASWAMY,
AGE: 51 YEARS, OCC: HOUSEHOLD WORK,
2. BALASWAMY S/O HUSSAINAPPA,
AGE: 54 YEARS, OCC: AGRICULTURE,

BOTH ARE R/O. RAGHAVENDRA COLONY,
SHAKTINAGAR, TQ. AND DIST. RAICHUR-584 101.

...APPELLANTS

(BY SRI. BASAVARAJ R. MATH AND SMT. VIJAYLAXMI,
ADVOCATES)

AND:

1. CHOURAPPA S/O BASAPPA,
AGE: MAJOR, OCC: OWNER OF TATA
MAGIC VEHICLE BEARING REG.
NO.KA-36/B-1820, R/O. 159/33, BL 4,
JAWALAGERA, TQ. SINDHANUR,
DIST. RAICHUR-584 128.
2. THE CLAIMS MANAGER,
ROYAL SUNDARAM, ALLIANCE INSURANCE CO. LTD.,
HEAD OFFICE, VISHRANTHI MELARAM TOWERS,
NO.2/319, RAJIV GANDHI SALAI (OMR),

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH
COURT OF
KARNATAKA



KARAPAKKAM, CHENNAI-600 097 (TN).

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADV. FOR R2;
V/O DTD. 06.02.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 30(1) OF THE ECA ACT,
PRAYING TO CALL FOR RECORDS AND ENHANCE AWARD
AMOUNT BY MODIFY THE IMPUGNED JUDGMENT AND AWARD
DATED 28.02.2022 PASSED BY THE II ADDL SENIOR CIVIL
JUDGE RAICHUR AND INCHARGE OF III ADDL SENIOR CIVIL
JUDGE RAICHUR IN ECA NO.08/2016.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

Though this appeal is listed for admission, with consent of
both sides, the same is taken up for hearing.

2. Heard the arguments of both sides.

3. This appeal is filed against the award dated
28.02.2022 passed by the III Additional Senior Civil Judge,
Raichur, in ECA No.8 of 2016.



4. One Umesh met with an accident on 10.12.2015 and died. His parents filed claim application claiming compensation of Rs.10,00,000/- with interest at the rate of 12% per annum from date of accident till realisation. The tribunal, considering the entire evidence on record, granted Rs.7,88,270/- with interest at the rate of 12% per annum from the date of order till realisation.

5. Aggrieved by the said order, this appeal is preferred in which it is contented that, the deceased was earning Rs.8,000/- per month with Rs.150/- batta per day. The competent authority has erred in taking the income of the deceased at Rs.7,000/- per month and interest was not granted from the date of accident and therefore, requested for enhancement in compensation.

6. Though the petitioner-claimants stated that the deceased was earning Rs.8,000/- per month, they have not produced any evidence to prove his income. As per the chart given under Section 4 of the Employees' Compensation Act, 1923, as the deceased met with the accident in the year 2015, his income is to be taken at Rs.8,000/- per month and the net



income is to be taken as Rs.4,000/- after deducting 50%. The relevant factor is 225.22. Therefore, the compensation comes to Rs.9,00,880/- (Rs.4,000 x 225.22). The petitioners are further entitled for Rs.5,000/- for funeral expenses. Thus, the petitioners are entitled for total compensation of Rs.9,05,880/- with interest at the rate of 12% per annum from the date of accident till the date of realisation.

7. Accordingly, the appeal is allowed. Respondent No.2- insurance company is directed to deposit Rs.9,05,880/- with interest at the rate of 12% from the date of accident till realisation within one month from the date of the order. On such deposit, the petitioners are permitted to withdraw the entire amount along with interest accrued on it.

8. It is submitted that the respondent-insurance company has already deposited the award amount before the competent authority and therefore, it is directed to deposit the balance amount out of the total compensation i.e. Rs.1,17,610/-. The respondent-insurance company shall also pay interest at 12% per annum on the entire compensation of Rs.9,05,880/- from the date of accident till realisation.



NC: 2025:KHC-K:6177
MFA No. 201764 of 2022

9. In view of the order dated 06.02.2023 passed on I.A.No.1/2022, the claimants are not entitled for interest for the delayed period of 70 days in filing the appeal.

sd/-
(P SREE SUDHA)
JUDGE

CS
List No.: 1 SI No.: 56
CT: AK