



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.203438 OF 2023 (ECA)

C/W

MISCL. FIRST APPEAL NO.201210 OF 2022 (ECA)

IN MFA NO.203438/2023:

BETWEEN:

1. SMT. SAHERABANU W/O LATE MOHAMMED SIDDIQUI,
AGED ABOUT 33 YEARS, OCC: HOUSE WIFE,
2. MOHAMMED SOHIL S/O LATE MOHAMMED
SIDDIQUI,
AGED ABOUT 10 YEARS, OCC: STUDENT,
(MINOR UNDER GUARDIAN OF APPELLANT NO.1),

BOTH ARE R/O. SIVANAGAR,
NEAR MEGUR EYE HOSPITAL,
BASAVAKALYAN, DIST. BIDAR.
3. BADESAB S/O MASTANSAB,
AGED ABOUT.53 YEARS, OCC: NILL,
R/O. SHIVAPUR MOHALLA,
HUMNABAD, DIST. BIDAR.

...APPELLANTS

(BY SRI. RAVI B. PATIL AND SRI. VEERANI V. NANDI,
ADVOCATES)

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signed by
SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA



NC: 2025:KHC-K:6184
MFA No. 203438 of 2023
C/W MFA No. 201210 of 2022

AND:

1. MR. M.A. HADI,
NO.11-1-2003/A, AGHAPURA,
HYDERABAD-500 001.
2. THE DIVISIONAL OFFICER,
UNITED INDIA INSURANCE CO. LTD.,
10-5-54, CRYSTAL PLAZA 1 AND 11,
FLOOR, BANJARA HILLS ROAD,
MASAB TANK, HYDERABAD-500 028.

...RESPONDENTS

(BY SRI. MANVENDRA REDDY, ADV. FOR R2;
V/O DTD. 04.01.2024, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 30(1) OF THE EMPLOYEES COMPENSATION ACT, 1923, PRAYING TO A) CALL FOR THE RECORDS IN ECA NO.33/2014 ON THE FILE OF SENIOR CIVIL JUDGE AND MACT AT BASAVAKALYAN. B) MODIFY THE JUDGEMENT AND AWARD DATED 29-12-2021 PASSED BY THE COURT OF SENIOR CIVIL JUDGE AND ADDL. MACT AT BASAVAKALYAN AND CONSEQUENTLY ALLOW THE PRESENT APPEAL THEREBY ENHANCE THE COMPENSATION RS.11,15,200/- TO 15,00,000/- AS CLAIMED IN THE PRESENT APPEAL. C) PASS AN ORDER AS TO COSTS OF THE PRESENT APPEAL.

IN MFA NO.201210/2022:

BETWEEN:

THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
DIVISION OFFICE, CENTURY COMPLEX,
2ND FLOOR, OPP. SANGAM TALKIES,
SUPER MARKET, KALABURAGI-585 101.

...APPELLANT

(BY SRI. MANVENDRA REDDY, ADVOCATE)

AND:



NC: 2025:KHC-K:6184
MFA No. 203438 of 2023
C/W MFA No. 201210 of 2022

1. SMT. SAHERABANU W/O LATE MOHAMMED SIDDIQUI,
AGED ABOUT 33 YEARS, OCC: HOUSE WIFE,
2. MOHAMMED SOHIL S/O LATE MOHAMMED
SIDDIQUI,
AGED ABOUT 10 YEARS, OCC: NIL,
(MINOR UNDER GUARDIAN OF APPELLANT NO.1),

R/O. SHIVANAGAR, NEAR MEGUR EYE HOSPITAL,
BASAVAKALYAN, DIST. BIDAR-585 411.
3. BADESAB S/O MASTANSAB,
AGE: 53 YEARS, OCC: NILL,
R/O. SHIVAPUR MOHALLA,
HUMNABAD, DIST. BIDAR-585 411.
4. MR. M.A. HADI,
AGE: MAJOR, OCC: AGRICULTURE AND
BUSINESS, R/O. NO.11-1-2003/A,
AGHAPURA, HYDERABAD-1,
(TELANGANA STATE)-500 092.

...RESPONDENTS

(BY SRI. RAVI B. PATIL AND SRI. VEERANI V. NANDI, ADVOCATES
FOR R1 TO R3;
NOTICE TO R4 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 30(1) OF THE WORKMEN'S
COMPENSATION ACT, 1923, PRAYING TO CALL FOR THE
RECORDS AND SET ASIDE THE JUDGMENT AND AWARD DATED
29.12.2021 PASSED BY THE SENIOR CIVIL JUDGE AND ADDL.
MACT AT BASAVAKALYAN (EMPLOYEES COMPENSATION) IN ECA
NO.33/2014 BY ALLOWING THE APPEAL AS PRAYED FOR.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA



ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE P SREE SUDHA)

Heard the arguments of learned counsel for both the parties.

2. This appeal is filed against the order passed in ECA No.33/2014 dated 29.12.2021 by the Additional M.A.C.T, Basavakalyan (for short 'the tribunal').

3. MFA No.203438/2023 is filed by the claimants for enhancement of compensation and MFA No.201210/2022 is filed by the Insurance Company, disputing the quantum of compensation so also the liability.

4. The substantial questions of law are to be framed as follows:

A) Whether the Tribunal is right in awarding the meager compensation of Rs.11,15,200/- without considering the material document on record?

B) Whether the Tribunal is right in awarding the meager compensation of Rs.11,15,200/- without considering the income of the deceased under minimum



wages as Rs.8,000/- as per the government notification U/S 4(1-B) of Employees Compensation Act, 1923?

C) Whether the Tribunal is right in not awarding the compensation under the head of loss of consortium?

5. The facts of the case are that, Mohammed Sidiqui met with an accident on 30.03.2003. He was working as a driver in the lorry bearing registration No.AP-13/U-111 and getting a salary of Rs.3,000/- per month and also bhatta of Rs.50/- per day. The Tribunal, including his bhatta, has taken the income at Rs.6,000/- per month. The tribunal after considering the entire evidence on record, has awarded a sum of Rs.11,15,200/- along with interest at the rate of 12% per annum from the date of petition till the date of realization.

6. Learned counsel for the Insurance Company opposing the arguments of the appellant has stated that, as per the averments of the claimants, the deceased was getting the salary at Rs.3,000/- per month. Therefore, Rs.1,500/- is to be taken after deducting 50% of the salary.



7. Though in the substantial question of law it was stated that he is entitled for Rs.8,000/- per month, as per central notification under Section 4(1)(b) of the Employees Compensation Act, 1953, he met with an accident way back in the year 2003 and the said notification is issued in the year 2010, as such, it is not applicable. But in the substantial questions of law, the Insurance Company itself said that maximum wages has to be considered at the rate of Rs.4,000/- per month, as per Section 4(1)(c) of the Workmen's Compensation Act and also they relied upon the citation reported in (2020) 4 SCC 594 in between ***K. Sivaraman & Ors. Vs. P. Sathishkumar & Anr.***

8. Since the Workmen's Compensation Act is a beneficial legislation, this Court finds it reasonable to take the income of the deceased Mahommed Siddique as Rs.4,000/- per month. 50% of the said income comes to Rs.2,000/-. The relevant factor is 184.17%, calculation of compensation comes to Rs.3,68,340/-. This Court also finds it reasonable to award a sum of Rs.5,000/- under the head of funeral expenses. Hence, the total compensation comes to Rs.3,73,340/-.



9. Learned counsel for the Insurance company submits that, the compensation awarded by the tribunal i.e. Rs.11,15,200/- along with interest at the rate of 12% is deposited before this Court at the time of the admission of the appeal.

10. In view of the above, the claimants are entitle for the compensation of Rs.3,73,340/- along with interest at the rate of 12% per annum from the date of the accident till the date of realization.

11. Accordingly, the following:

ORDER

(i) MFA No.201210/2022 filed by the Insurance company is allowed in part;

(ii) MFA No.203438/2023 filed by the claimants is dismissed;

(iii) The compensation amount awarded by the tribunal in a sum of Rs.11,15,200/- is reduced to Rs.3,73,340/- along with interest at the rate of 12% per annum from the date of accident till the date of realization;



(iv) The claimants are entitled for compensation of Rs.3,73,340/- along with interest at the rate of 12% per annum from the date of accident till the date of deposit;

(v) The excess amount if any shall be refunded to the Insurance company;

(vi) The claimants are permitted to withdraw the entire compensation amount along with interest accrued thereon.

sd/-
(P SREE SUDHA)
JUDGE