



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 202319 OF 2022 (ECA)

C/W

MISCL. FIRST APPEAL NO. 201562 OF 2022

IN MFA No. 202319/2022:

BETWEEN:

1. NIRMALA W/O LATE CHANDRAKANTH,
AGE: 42 YEARS, OCC: HOUSEHOLD,
R/O H NO. 1-35, HALLAKHERI-K,
TQ. AND DIST. BIDAR-586401.
2. SAI PRASAD S/O LATE CHANDRAKANTH,
AGE: 22 YEARS, OCC: STUDENT,
R/O H NO. 1-35, HALLAKHERI-K,
TQ. AND DIST. BIDAR-586401.
3. PAVAN S/O LATE CHANDRAKANTH,
AGE: 20 YEARS, OCC: STUDENT,
R/O H NO. 1-35, HALLAKHERI-K,
TQ. AND DIST. BIDAR- 586401.
4. SUSHILAMMA W/O LATE VAIJINATH,
AGE: 72 YEARS, OCC: HOUSEHOLD,
R/O H NO. 1-35, HALLAKHERI-K,
TQ. AND DIST. BIDAR- 586401

...APPELLANTS

(BY SRI. BASAVARAJ R. MATH, ADVOCATE)





AND:

1. MR. AVINASH PROPRIETOR OF KARNATAKA
ELECTRICALS PRIVATE LTD.,
NOW KARNATAKA GASSES, CMC NO. 8-11-148,
SHOP NO. 11 AND 12,
SRI. RAGHAVNDRA SWAMY TEMPLE,
COMPLEX RANG MANDIR ROAD, BIDAR-586401
(OWNER OF GOODS VEHICLE BEARING
REGN NO. KA38/0888.
2. THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE, DOOR NO. 8-10-135/1
AND 1A VEERBHADRASHWAR CHAMBERS,
OPPOSITE NEHRU STADIUM BIDAR 586401,
POLICY NO. 610403311810009014
VALID FROM 31.03.2019 TO 30.03.2020)

...RESPONDENTS

(BY SRI MANVENDRA REDDY, ADVOCATE FOR R2;
V/O DTD.5.10.2023 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 30(1) OF ECA ACT,
PRAYING TO MODIFY THE IMPUGNED JUDGMENT AND AWARD
DATED 05.03.2022 PASSED BY THE ADDITIONAL SENIOR CIVIL
JUDGE AND MACT BIDAR, IN ECA NO.05/2020.

IN MFA NO. 201562/2022:

BETWEEN:

THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
BRANCH OFFICE, DOOR NO. 8-10-135/1,
AND 1A (VEERBHADRASHWAR CHAMBERS
OPPOSITE NEHRU STADIUM BIDAR,
REPRESENTED BY ITS DIVISIONAL MANAGER,
KALABURAGI

...APPELLANT

(BY SRI. MANVENDRA REDDY, ADVOCATE)



NC: 2026:KHC-K:1927
MFA No. 202319 of 2022
C/W MFA No. 201562 of 2022

AND:

1. NIRMALA W/O LATE CHANDRAKANTH,
AGE: 40 YEARS, OCC: HOUSEHOLD WORK,
R/O H.NO. 1-35 HALLKHERI K,
TQ. AND DIST. BIDAR-585411.
2. SAI PRASAD S/O LATE CHANDRAKANTH,
AGE: 20 YEARS, OCC: STUDENT,
R/O .H.NO. 1-35 HALLKHERI K,
TQ AND DIST BIDAR-585411.
3. PAVAN S/O LATE CHANDRAKANTH,
AGE: 18 YEARS, OCC: STUDENT,
R/O H.NO. 1-35 HALLKHERI -K,
TQ. AND DIST. BIDAR-585411.
4. SUSHILAMMA W/O LATE VAIJANATH,
AGE: 70 YEARS, OCC: HOUSEHOLD,
R/O H.NO. 1-35 HALLDKHERI,
TQ. AND DIST. BIDAR-585411.
5. MR. AVINASH,
PROPRIETOR OF KARNATAKA ELECTRICALS
PRIVATE LIMITED
(NOW KARNATAKA GASES),
CMC NO. 8-11-148 SHOP NO. 11 AND 12,
SRI RAGHVENDRA SWAMY TEMPLE,
COMPLEX, RANG MANDIR ROAD,
BIDAR-585411,
(OWNER OF GOODS VEHICLE BEARING
REGISTRATION NO. KA-38/0888).

...RESPONDENTS

(BY SRI BASAVARAJ R. MATH, ADVOCATE FOR R1 TO R4)

THIS MFA IS FILED U/S 30 (1) OF EC ACT, PRAYING
TO SET ASIDE THE JUDGMENT AND AWARD DATED
05.03.2022 PASSED ADDL. SENIOR CIVIL JUDGE AND
MACT, BIDAR IN ECA NO.05/2020 BY ALLOWING THE
APPEAL AS PRAYED FOR.



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

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

ORAL JUDGMENT

1. Heard the learned counsels for the parties.
2. These appeals are arising out of the Judgment and award dated 05.03.2022 passed in ECA No.5/2020 on the file of the Additional Senior Civil Judge and MACT, Bidar, (for short 'the Commissioner') awarding compensation.
3. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.
4. The relevant facts for adjudication of these appeals are that, the husband of the claimant No.1 – Chandrakant was working as driver under the respondent No.1 in a goods vehicle bearing registration No.KA-38/0888. It is further stated that, on 26.09.2019, the deceased Chandrakant was carrying Oxygen Gas Cylinders in the lorry with labours and when the said lorry reached near Kolar-K at 8.30 p.m., the said lorry fell into a road side ditch and as a result of the same, the driver of



the lorry – Chandrakanth suffered grievous injuries and immediately he was taken to the hospital on 27.09.2019, however, the said Chandrakanth succumbed to the injuries on 16.10.2019. Hence, the claimants have preferred ECA No.5/2020 seeking compensation.

5. After service of notice, the respondents entered appearance and contested the matter on merits. The learned Commissioner by his Judgment and award dated 05.03.2022 allowed the claim petition in-part and directed the respondent to pay compensation of Rs.14,86,880/- along with interest at the rate of 12% per annum from the date of death till the date of award of compensation. Feeling aggrieved by the same, the Insurance company has preferred MFA No.201562/2022 challenging the liability and on the other hand, the claimants have preferred MFA No.202319/2022 seeking enhancement of the compensation.

6. Heard Sri. Manvendra Reddy, learned counsel appearing for the Insurance company and Sri. Basavaraj R. Math, learned counsel appearing for the claimants.



7. It is argued by Sri. Manvendra Reddy, learned counsel appearing for the Insurance company that, there was no relationship of the deceased with the respondent No.1 and same has not been proved and therefore, the finding recorded by the Tribunal requires to be interfered with in this appeal.

8. It is also argued by the learned counsel for the Insurance company by inviting the attention of the Court to the records that, the M.V. Report discloses that, there is no damage to the lorry in question and therefore, submitted that the false claim has been made by the claimants. Finally it is argued that, as per Ex.P.5, the deceased was fell down from the bike and therefore, sought for interference of this Court.

9. Per contra, Sri. Basavaraj R. Math, learned counsel appearing for the claimant invited the attention of the Court to the Police records particularly at Ex.P.4 and submitted that, the death of the Chandrakanth was on account of the unfortunate incident occurred on 26.09.2019, where the deceased was the driver of the lorry in question which fell into the ditch.

10. It is also submitted that, there is no dispute as to the occurrence of the accident and the death of the



Chandrakanath on account of the injuries sustained by him during the course of the employment with the respondent No.1 and therefore, sought for dismissal of the appeal preferred by the claimant and on the other hand sought for enhancement of the compensation in the appeal preferred by the claimants.

11. In the light of the submission made by the learned counsel for the parties, on careful consideration of the material on record, wherein, it is not in dispute as to the fact that the accident occurred on 26.09.2019 in which the deceased Chandrakanath was the driver in the goods vehicle bearing registration No.KA-38/0888 carrying Oxygen Gas Cylinders. The perusal of the record would also indicate that, respondent No.1-owner of the lorry admits the relationship of the deceased Chandrakanath as the driver employed by him and in that view of the matter, the contention raised by the learned counsel appearing for the Insurance company cannot be accepted.

12. Insofar as the arguments advanced by the learned counsel appearing for the Insurance company as to Ex.P.5 as there was no damage to the lorry in question, however, perusal of the record would indicate that, there is certainty as to the



death of the Chandrakanath on account of the accident on 26.09.2019. Immediately, he was shifted to the hospital and in that view of the matter, perusal of the police and medical records would substantiate that the death of Chandrakanth was on account of the accident held on 26.09.2019 in which he was working as the driver with respondent No.1. In that view of the matter, the contentions raised by the learned counsel for the Insurance company cannot be accepted.

13. Insofar the award of compensation is concerned, the learned Commissioner has rightly taken the monthly income of the deceased at Rs.8,000/- as per the structured formula under the Act and rightly applied the relevant factor of 156.47, wherein the claimant was aged about 49 years and in that view of the matter, I am of the view that, no enhancement of the compensation is to be made in the appeal preferred by the claimant.

14. Accordingly, the following order:



NC: 2026:KHC-K:1927
MFA No. 202319 of 2022
C/W MFA No. 201562 of 2022

ORDER

(i) Both appeals are dismissed as devoid of merits;

(ii) The claimants are entitled for compensation awarded by the learned Commissioner i.e. Rs.14,86,880/- along with interest at the rate of 12% per annum from the date of the accident till realization;

(iii) The amount in deposit if any be transmitted to the Commissioner, forthwith.

Sd/-
(E.S.INDIRESH)
JUDGE