



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. 202300 OF 2022 (ECA)

C/W

MISCL. FIRST APPEAL NO. 202369 OF 2022

IN MFA No. 202300/2022:

BETWEEN:

1. SHAHEDA W/O IQBAL KHANDAIT,
AGE: 39 YEARS, OCC: HOUSEHOLD WORK.
2. TOUHID S/O IQBAL KHANDAIT,
AGE: 21 YEARS, OCC:STUDENT.
3. SAAD S/O IQBAL KHANDAIT,
AGE: 19 YEARS, OCC: STUDENT.
4. SADIYA D/O IQBAL KHANDAIT,
AGE: 18 YEARS, OCC: NIL.
5. MAIMUN W/O SAIFODDIN KHANDAIT,
AGE: 62 YEARS, OCC: NIL.
6. RESHAMA W/O IQBAL KHANDAIT,
AGE: 40 YEARS, OCC: HOUSEHOLD WORK.
7. SUMAYYA D/O IQBAL KHANDAIT,
AGE: 17 YEARS, OCC: HOUSEHOLD WORK,
THE APPELLANT NO.7 IS MINOR
REPRESENTED BY NATURAL GUARDIAN
APPELLANT NO.6
ALL ARE R/O WADDAR COLONY, SANGLI,





NOW RESIDING AT ASAR GALLI,
VIJAYAPURA-586 101.

...APPELLANTS

(BY SRI. BAPUGOUDA SIDDAPPA, ADVOCATE)

AND:

1. KAMARUDDIN S/O ALAM MULLA,
AGE: 47 YEARS, OCC: BUSINESS,
R/O MULLA KI WASTI, ATPADI,
DIST. SANGLI- 415315,
MAHARASHTRA STATE.
2. THE BRANCH MANAGER,
THE UNITED INDIA INSURANCE CO LTD.,
1ST FLOOR, SANGAMA BUILDING,
S S FRONT ROAD, VIJAYAPURA- 586102

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;
V/O DTD.19.11.2025 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 30(1) OF THE EMPLOYEES COMPENSATION ACT, PRAYING TO, A) CALL FOR THE RECORDS, B) TO MODIFY THE JUDGMENT AND AWARD DATED 16.03.2020 PASSED IN ECA NO.152/2015 ON THE FILE OF THE COURT OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION VIJAYAPURA AT VIJAYAPURA AND ALLOW THIS APPEAL AND TO GRANT THE COMPENSATION OF RS.9,82,350/- ONLY AS CLAIMED BY THE APPELLANTS BEFORE THE TRIBUNAL. C) ORDER FOR COSTS OF THIS APPEAL. D) PASS SUCH OTHER ORDERS DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE.

IN MFA NO. 202369/2022:

THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD.,



NC: 2026:KHC-K:1944
MFA No. 202300 of 2022
C/W MFA No. 202369 of 2022

S.S. FRONT ROAD, VIJAYAPURA.
PRESENTLY REPRESENTED
BY ITS DIVISIONAL MANAGER

...APPELLANT

(BY SRI SUDARSHAN M., ADVOCATE)

AND:

1. SHAHEDA W/O IQBAL KHANDAIT,
AGE: 39 YEARS, OCC: HOUSEHOLD WORK.
2. TOUHID S/O IQBAL KHANDAIT,
AGE: 21 YEARS.
3. SAAD S/O IQBAL KHANDAIT,
AGE: 19 YEARS.
4. SADIYA D/O IQBAL KHANDAIT,
AGE: 18 YEARS.
5. MAIMUN W/O SAIFODDIN KHANDAIT,
AGE: 62 YEARS, OCC: NIL.
6. RESHAMA W/O IQBAL KHANDAIT,
AGE: 39 YEARS, OCC: HOUSEHOLD WORK.
7. SUMAYYA D/O IQBAL KHANDAIT,
AGE: 17 YEARS,
M/G BY GUARDIANSHIP UNDER RESPONDENT NO.6,

ALL ARE R/O WADDAR COLONY, SANGALI,
NOW R/ AT ASAR GALLI, VIJAYAPURA-586101.

8. KAMARUDDIN S/O ALAM MULLA,
AGE: 47 YEARS, OCC: BUSINESS,
R/O MULLA KI WASTI, ATPADI,
DIST. SANGLI,
MAHARASHTRA-415315.



NC: 2026:KHC-K:1944
MFA No. 202300 of 2022
C/W MFA No. 202369 of 2022

(BY SRI BAPUGOUDA SIDDAPPA, ADVOCATE FOR
R1 TO R7;
R8 SERVED)

THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, PRAYING TO, A) CALL FOR RECORDS IN ECA NO.152/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE AND THE COMMISSIONER FOR EMPLOYEES COMPENSATION AT VIJAYAPURA. B) SET ASIDE THE JUDGMENT AND AWARD DATED 16/03/2020 PASSED IN ECA NO.152/2015 BY THE SENIOR CIVIL JUDGE AND THE COMMISSIONER FOR EMPLOYEES COMPENSATION AT VIJAYAPURA. C) PASS SUCH OTHER ORDERS/RELIEFS AS THIS HON'BLE COURT DEEMS FIT AND PROPER IN THE FACTS THE CIRCUMSTANCES OF THE CASE.

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 16.03.2020 passed in ECA No. 152 of 2016 by the II Additional Senior Civil Judge and Commissioner for Employees' Compensation, Vijayapura (for short, "the learned Commissioner"), awarding compensation to the claimants.



2. For the sake of convenience, the parties in these appeals shall be referred to according to their status and ranking before the learned Commissioner.

3. It is the case of the claimants that the husband of claimant No.1-Iqbal Khandait, was working as a driver with the respondent No.1 in respect of a car bearing registration No. MH-01/GA-4508. On 08.05.2015, the said car met with an accident when it dashed against a tractor bearing registration No. KA-28/TC-1118, resulting in the death of the husband of claimant No.1. Hence, the claimants preferred ECA No. 152 of 2016 seeking compensation.

4. The claim petition was contested by the respondent No.2.

5. The learned Commissioner, after considering the material on record, by judgment and award dated 16.03.2020, allowed the claim petition in part and



awarded compensation of Rs. 5,17,650/- with interest. Being aggrieved by the same, the claimants have preferred MFA No.202300 of 2022 seeking enhancement of compensation. On the other hand, the Insurance Company has filed MFA No. 202369 of 2022 assailing its liability to pay the compensation to the claimants.

6. I have heard Sri Sudharshan M., learned counsel appearing for the Insurance Company, and Sri Bapugouda Siddappa, learned counsel appearing for the claimants. I have also perused the records.

7. Sri Sudharshan M., learned counsel appearing for the Insurance Company, submitted that the deceased did not possess a valid driving license to drive the vehicle in question. It is contended that the deceased was holding a driving license only to drive a motorcycle with gear and, therefore, the Insurance



Company is not liable to pay the compensation to the claimants. Hence, he sought interference of this Court.

8. Per contra, Sri Bapugouda Siddappa, learned counsel for the claimants, invited the attention of this Court to I.A. No. 1 of 2025 filed under Order XLI Rule 27 of CPC and contended that the deceased possessed a valid driving license to drive a non-transport vehicle for the period from 15.07.2003 to 14.07.2023. It is further contended that the deceased was authorized to drive LMV vehicles. Therefore, he sought dismissal of the appeal filed by the Insurance Company. In addition, the learned counsel for the claimants sought enhancement of compensation.

9. In the light of the arguments advanced by the learned counsel for the parties, there is no dispute with regard to the occurrence of the accident on 08.05.2015, nor is there any dispute that the



deceased died in the accident, in the course of employment with the respondent No.1. It is also not in dispute that the deceased was working as a driver with respondent No.1. A perusal of the additional evidence produced in I.A. No. 1 of 2025 by the claimants makes it clear that the deceased was authorized to drive LMV (non-transport) vehicles for the period from 15.07.2003 to 14.07.2023. In that view of the matter, the contention raised by the Insurance Company regarding absence of a valid driving license cannot be accepted.

10. Insofar as the quantum of compensation is concerned, the deceased was aged 35 years at the time of the accident. Therefore, the relevant factor applicable is 197.06. Taking the monthly wages at Rs. 8,000/-, 50% thereof comes to Rs.4,000/-. Applying the relevant factor of 197.06, the claimants are



entitled to Rs. 7,88,240/- ($4,000 \times 197.06$) towards 'loss of dependency'. The claimants are further entitled to Rs.25,000/- towards 'funeral expenses'. Thus, the total compensation comes to Rs. 8,13,240/-.

11. Accordingly, I pass the following:

ORDER

- i. MFA No. 202300 of 2022 filed by the claimants is ***allowed in part.***
- ii. MFA No. 202369 of 2022 filed by the Insurance Company is ***dismissed.***
- iii. The judgment and award dated 16.03.2020 passed in ECA No. 152 of 2016 on the file of the II Additional Senior Civil Judge and Commissioner for Employees' Compensation, Vijayapura, is modified. The claimants are entitled to total compensation



of Rs.8,13,240/- with interest at 12% per annum from the date of the accident till realization.

- iv. The respondent-Insurance Company is directed to deposit the compensation amount within six weeks from the date of receipt of a certified copy of this judgment.
- v. As per order dated 19.11.2025, the claimants are not entitled to interest for the delayed period of 187 days.
- vi. I.A. No. 1 of 2025 filed in MFA No. 202300 of 2022 to produce additional document is allowed.

Sd/-
(E.S.INDIRESH)
JUDGE