



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. 203711 OF 2024 (ECA)

BETWEEN:

LALABI,
W/O. LALSAB @ SHARIFSAHEB KONDAGULI,
AGE 73 YEARS, OCC. HOUSEHOLD
R/O. HANDARAGALLI, TQ. MUDDEBIHAL
NOW RESIDING AT ASAR GALLI, VIJAYAPURA.

...APPELLANT

(BY SRI. HARSHAVARDHAN R MALIPATIL,ADVOCATE)

AND:

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by SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA

1. SANGANNA,
S/O. SHANKARAPPA MYAGERI,
AGE 42 YEARS, OCC. BUSINESS,
R/O. #69, SHANKAR NIWAS,
DR. AMBEDKAR COLONY, SADASHIVA NAGAR
BELAGAVI-590010.
2. THE BRANCH MANAGER
HDFC ERGO GENERAL INSURANCE CO., LTD.,
1ST FLOOR, VIRUPAKSHA BUILDING,
OPP. KIMS HOSPITAL, MAIN GATE
PB ROAD, VIDYA NAGAR,
HUBLI-580021.

...RESPONDENTS

(BY SRI. MANJUNATH MALLAYYA SHETTY, ADV. FOR R2;
V/O. DATED 17.10.2025, NOTICE TO R1 IS D/W)



THIS MFA IS FILED U/S. 30(1) OF EMPLOYEES COMPENSATION ACT, PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF RS 5,27,400/- (EXCLUDING THE AMOUNT AWARDED BY THE COMMISSIONER) ALONG WITH INTEREST AT 18% P.A BY MODIFYING THE JUDGMENT AND AWARD OF THE PRL. SENIOR CIVIL JUDGE & COMMISSIONER FOR EMPLOYEES COMPENSATION AT VIJAYAPURA, IN ECA NO. 69 OF 2022 DATED 15.01.2024 IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. This appeal is filed by the father of the deceased Davalasab Kondaguli, seeking enhancement of the compensation against the Judgment and award dated 15.04.2024 passed in ECA No.69/2022 by the Principal Senior Civil Judge and Commissioner for Employees Compensation, Vijayapura, (for short 'the tribunal').

2. The deceased Davalsab Kondaguli was working as a cleaner under the employment of respondent No.1 and on 03.09.2022 he met with an accident, sustained injuries and died. The age of the deceased was 21 years as on the date



of the accident. Seeking compensation, the claimant/father of the deceased filed application under Section 22 of the E.C.Act, for a sum of Rs.20,00,000/- along with interest at the rate of 18% per annum from the date of petition till the date of realization. Considering the entire evidence on record, the tribunal awarded a sum of Rs.14,72,600/- along with interest at the rate of 12% per annum from 03.09.2022 i.e. from the date of accident till the date of realization of the entire compensation amount.

3. It is submitted that, the deceased Davalsab Kondaguli i.e. son of the claimant was a cleaner in the Truck bearing registration No.KA-22/C-8488 and it is stated that, he was earning a sum of Rs.25,000/- as monthly wages and a sum of Rs.100/- per day as bhatta. The tribunal has taken the income of the deceased on lower side and the higher relevant factor is also taken on the basis of his age and the interest is to be enhanced from 12% to 18%.

4. Heard the arguments from both sides and perused the materials placed on record.



5. The claimant has not produced any income proof of the deceased Davalsab Kondaguli to prove his income. As per the amended Gazette Notification dated 03.01.2020, the income the deceased to be considered as Rs.15,000/- per month and 50% of it comes to Rs.7,500/-. The deceased was aged 21 years and the relevant factor is 222.71%, calculation comes to Rs.16,70,325/-. Further a sum of Rs.5,000/- is awarded towards funeral expenses. Hence, the total compensation comes to Rs.16,75,325/- along with interest at the rate of 12% from the date of accident till the date of realization.

6. Learned counsel for the respondent No.2- Insurance company submits that, the compensation amount i.e. Rs.14,72,600/- along with interest at the rate of 12% awarded by the tribunal is already deposited before the tribunal.

7. Accordingly, the following order:



ORDER

(i) The appeal is allowed in part;

(ii) The claimant is entitle to total compensation Rs.16,75,325/- along with interest at the rate of 12% from the date of accident till the date of realization, as against Rs.14,72,600/- awarded by the tribunal;

(iii) In view of the submission of the learned counsel for the respondent No.2-Insurance company, the respondent No.2-Insurance company is directed to deposit the enhanced compensation of Rs.2,02,725/- along with interest at the rate of 12% per annum within a period of one month.

(iv) On such deposit, the claimant is permitted to withdraw the entire compensation amount along with interest accrued thereon.

sd/-
(P SREE SUDHA)
JUDGE