



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.204059 OF 2023 (ECA)

BETWEEN:

JAMUNABAI
W/O DHANSINGH RATHOD,
AGE: 50 YEARS,
OCC: AGRICULTURE & BUSINESS,
R/O KANNUR,
TQ. & DIST. VIJAYAPURA-586 119.

...APPELLANT

(BY SRI BAPUGOUDA SIDDAPPA, ADVOCATE)

AND:

1. SOMIBAI W/O RAMU RATHOD,
AGE: 39 YEARS, OCC: HOUSEHOLD WORK,
R/O MAKHANAPUR, L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119.
2. SUNIL S/O RAMU RATHOD,
AGE: 26 YEARS, OCC: COOLIE,
R/O MAKHANAPUR, L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119.
3. KUMAR W/O RAMU RATHOD,
AGE: 21 YEARS, OCC: STUDENT,
R/O MAKHANAPUR L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119.





4. VILAS S/O RAMU RATHOD,
AGE: 16 YEARS, OCC: STUDENT,
R/O MAKHANAPUR L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119.
5. RAHUL S/O RAMU RATHOD,
AGE: 14 YEARS, OCC: STUDENT,
R/O MAKHANAPUR L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119.
6. RESHMA D/O RAMU RATHOD,
AGE: 12 YEARS, OCC: STUDENT,
R/O MAKHANAPUR L.T. NO.2,
TQ. AND DIST. VIJAYAPURA-586 119,

THE APPELLANTS NO.4 TO 6 ARE MINORS,
REPRESENTED BY THEIR NATURAL GUARDIAN
MOTHER RESPONDENT NO.1.
7. THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO LTD.,
HERALAGI BUILDING,
BEHIND SIDDESHWAR TEMPLE,
VIJAYAPURA-586 101.

...RESPONDENTS

[BY SRI SANGANAGOUDA V. BIRADAR, ADVOCATE FOR
R1 TO R6 (R4 To R6 ARE MINORS UNDER GUARDIAN OF R1);
SMT. SANGEETA BHADRASHETTY, ADVOCATE FOR R7;

THIS MFA IS FILED UNDER SECTION 30(1) OF THE
EMPLOYEES COMPENSATION ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 13.07.2020 PASSED IN ECA
NO.02/2017 ON THE FILE OF II ADDITIONAL SENIOR CIVIL
JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION,
VIJAYAPURA AT VIJAYAPURA AND ALLOW THE APPEAL FILED
BY THE APPELLANT; ORDER FOR COSTS OF THIS APPEAL AND
ETC.



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

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

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. This appeal is preferred by respondent No.1 in ECA No.02/2017, challenging the judgment and award dated 13.07.2020 on the file of the II Additional Senior Civil Judge and Commissioner for Employees Compensation, Vijayapura, awarding compensation to the claimants and directing respondent No.1-owner of the vehicle to pay the compensation.

3. It is argued by the learned counsel appearing for the appellant that, the learned Commissioner has arrived at a conclusion that the driver of the tractor in question did not possess the valid driving licence to drive the said vehicle. Accordingly, it is submitted that, the appellant-owner is intending to produce the valid driving



licence and therefore, filed an application under Order XLI Rule 27 of CPC in I.A.No.2/2023.

4. Per contra, learned counsel appearing for respondent No.7-Insurance Company, opposed the contentions raised by the appellant and submitted that the application in I.A.No.2/2023 may be dismissed.

5. Learned counsel appearing for respondent Nos.1 to 6/claimants sought to justify the judgment and award passed by the learned Commissioner.

6. This Court, vide order dated 20.02.2026, formulated the following substantial questions of law:

"1) Whether the appellant/respondent No.1 before the learned Commissioner has made out a case for interference of this Court in the impugned judgment and award passed by the learned Commissioner.

2) What order?"

7. Having taken note of the submissions made by the learned counsel appearing for the parties and on



careful consideration of the additional documents filed by the appellant herein in I.A. No.2/2023, I am of the view that, the same is required to be considered by the learned Commissioner afresh as to fastening the liability amongst the respondents therein. In that view of the matter, I pass the following:

ORDER

- i) The appeal is allowed.
- ii) The judgment and award dated 13.07.2020 in ECA No.02/2017 on the file of the II Additional Senior Civil Judge and Commissioner for Employees Compensation, Vijayapura is hereby set aside and the matter is remitted to the learned Commissioner for reconsideration afresh after affording an opportunity of hearing to all the parties.
- iii) Since the parties are represented through their learned counsels and in order to avoid further



delay in the matter, the parties are directed to appear before the learned Commissioner on 25.03.2026 at 11.00 a.m.

- iv) The Commissioner is directed to consider I.A.No.2/2023 filed by the appellant herein and to take decision in the matter as to the validity of the licence.
- v) The amount in deposit, if any, be transmitted to the learned Commissioner.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 50