



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY**

**MISCL. FIRST APPEAL NO. 200372 OF 2021 (ECA)**

**BETWEEN:**

YELLAPPA S/O HANUMANTHA  
AGE: 35 YEARS, OCC: LABOUR (NOW NIL)  
JAGARAKAL VILLAGE  
TQ & DIST: RAICHUR-5854102

...APPELLANT

(BY SRI BASAVARAJ R MATH, ADVOCATE)

**AND:**

ANANDAREDDY S/O THIMMAREDDY  
AGE: 57 YEARS, OCC: BUSINESS & PROP. OF  
VENKATESHWARA GINNING FACTORY  
INDUSTRIAL AREA,  
RAICHUR-584101

...RESPONDENT

(BY SRI ARUNKUMAR AMARGUNGAPPA, ADVOCATE)

THIS MFA IS FILED U/S. 30(1) OF EC ACT, PRAYING  
TO SET ASIDE THE IMPUGNED ORDER DATED 25.11.2019  
PASSED BY THE II ADDL. SENIOR CIVIL JUDGE AND  
JMFC AND COMMISSIONER FOR WORKMEN'S  
COMPENSATION AT RAICHUR, IN ECA NO.280/2014.





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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

**ORAL JUDGMENT**

Heard the learned counsel for the appellant.  
Perused the relevant materials on record.

2. There is no representation for the respondent  
and his counsel.

3. This appeal is filed by the appellant  
challenging the judgment and award dated 25.11.2019  
in ECA No.280/2014 of the learned II Addl. Senior Civil  
Judge and JMFC, Raichur [for short 'the Trial Court'],  
wherein the claim petition filed by the appellant under  
Section 22 of the Workmen's Compensation Act, 1923,  
is dismissed.



4. Being aggrieved by the said judgment and award, the petitioner being the appellant has come up with the present appeal.

5. For the sake of convenience, the parties to the appeal are hereinafter referred to their rank before the Trial Court.

6. The case of the petitioner is that the respondent is the owner of Ginning Factory. The petitioner was working under his employment in the said factory for monthly salary of Rs.4,000/-. On 14.09.2009 as per the instructions of the respondent, he was white washing the wall of the said factory near Canvera. At that time without intimating the petitioner the said Canvera was started and due to which the rolling patti of said Canvera hit to the vital parts of the petitioner and he sustained grievous injuries. Immediately he was shifted to M.K. Bhandari Hospital,



Raichur and there he underwent surgery and thereafter he was shifted to OPEC Hospital, Raichur. His wife lodged complaint before the concerned police and the case was registered in Crime No.79/2009 against the respondent for the offences punishable under Sections 287 and 338 of IPC. Due to the injuries sustained in the accident, the petitioner suffered financial loss. Hence, the petitioner prayed for allowing the petition.

7. In pursuance of the service of notice, the respondent appeared through his counsel and filed objections denying the contentions of the petitioner put forth in the petition. He further contended that he is not owner of the factory and there was no employer and employee relationship between himself and the petitioner. It is submitted that though there was a criminal case registered against him in C.C. No.42/2010, he was acquitted in the said case on the file of the learned CMJ, Raichur on 03.05.2011.



Therefore, he is not liable to pay the compensation to the petitioner. Thus, the petitioner prayed for dismissal of the petition.

8. In support of the petition, the petitioner got himself examined as PW1 and marked documents at Exs.P1 to P12. On the other hand, the respondent got himself examined as RW1, but he did not produce any document.

9. The Trial Court after hearing both the parties, dismissed the claim petition. Challenging the said judgment and award, the petitioner is before this Court in the present appeal.

10. Heard the learned counsel for the appellant. Perused the relevant materials on record.

11. The contention of the appellant/ petitioner is that he was working under the respondent in his



Ginning Factory and in the course of employment he suffered injuries and hence, the respondent is liable to pay the compensation. However, the respondent before the Trial Court has specifically denied that there was any employer and employee relationship between himself and the appellant.

12. The appellant has produced certified copies of the FIR, Complaint, Crime Details, Statements of his wife and himself, Wound Certificate and Final Report at Exs.P1 to P7 regarding the criminal case registered against the respondent respectively. He has also produced Discharge Summary Reports, Laboratory Reports and Inpatient Record regarding treatment taken by him for the injuries suffered in the incident at Exs.P6 and P12. Those documents would clearly go to show that the criminal case was registered against the respondent regarding the incident.



13. Further, the said fact is admitted by the respondent as RW1 in his cross-examination. But the respondent pleaded ignorance regarding the charge sheet filed against him by the police as per Ex.P7. On the other hand, in the objections statement he admitted regarding registration of the criminal case. His contention is that he was acquitted in the criminal case registered by the concerned police regarding the said incident. This evidence of respondent as RW1 clearly goes to show that he is denying the ownership of the factory only to avoid payment of compensation to the petitioner.

14. Unless the petitioner proves that there is employee and employer relationship between himself and the respondent, the petitioner is not entitled to any compensation under the Workmen's Compensation as sought for by him in the petition. The petitioner has not produced any document to show that he is employed



under the respondent in the concerned factory as on the date of incident.

15. Further, when it is specifically denied by the respondent that he is not the owner of the concerned factory, the petitioner should have produced document to prove that the respondent is owner of the said factory and thereby, the petitioner could have proved the relationship of employee and employer between himself and the respondent. But without considering the documents at Exs.P1 to P12 that the petitioners took treatment for the injuries sustained in the incident that occurred within the premises of the said factory, the Trial Court dismissed the claim petition only on the ground that the petitioner has failed to prove the employee and employer relationship between the petitioner and the respondent.



16. Therefore, as submitted by the learned counsel for the appellant, the matter requires afresh adjudication providing opportunity to the petitioner to prove that there is employee and employer relationship between himself and the respondent for claiming compensation. Consequently, the appeal deserves to be allowed and the matter requires to be remitted back to the Trial Court for fresh consideration providing opportunity to both the parties to adduce any oral evidence and to produce any documents, if they so intend.

17. In the result, I pass the following:

ORDER

- i) The appeal is hereby allowed;
- ii) Consequently, the judgment and award dated 25.11.2019 in ECA No.280/2014 is hereby set aside and the matter is remitted to the



Trial Court for fresh adjudication of the matter.

- iii) The Trial Court shall provide opportunity to both the parties to adduce their oral evidence and to produce additional documents if they so intend.
- iv) Both the parties are directed to appear before the Trial Court on 16.06.2026 without fail.
- v) Considering the fact that the petition is of the year 2014, the Trial Court shall dispose of the matter which in an outer limit of six months from the date of this order.



**NC: 2026:KHC-K:3480**  
**MFA No. 200372 of 2021**

- vi) Office shall return TCR along with  
copy of this order to the Trial Court  
forthwith.

**Sd/-**  
**(TYAGARAJA N. INAVALLY)**  
**JUDGE**

SBS  
List No.: 1 Sl No.: 61