

**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 16TH DAY OF DECEMBER, 2025
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.
MISCELLANEOUS FIRST APPEAL NO.23254 OF 2013**

BETWEEN

SRI PRABHUDAS S/O. BASAPPA,
AGED: ABOUT 29 YEARS, EX DRIVER,
R/O: SUDHA CROSS, NEAR CANTONMENT,
DIST: BELLARY.

...APPELLANT

(BY SRI B.C. JNANAYYA, ADVOCATE)

AND

1 . GOVINDAPPA S/O. MAREPPA,
OWNER OF TRACTOR,
R/O: BADANHATTI,
TQ. AND DIST.: BELLARY.

2 . THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE
COMPANY, BELLARY.

...RESPONDENTS

(BY SRI RAVINDRA R. MANE, ADVOCATE FOR R2;
NOTICE SERVED TO R1.)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 30 OF THE EMPLOYEE'S COMPENSATION ACT, PRAYING TO SET ASIDE THE JUDGMENT DATED 27.04.2013, IN WC (NF) NO.220/2007, PASSED BY THE LABOUR OFFICER AND COMMISSIONER FOR WORKMEN'S COMPENSATION, SUB DIVISION-II, BELLARY, BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 28.11.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, DELIVERED THE FOLLOWING:

CAV JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

The unsuccessful claimant has filed this appeal under Section 30 of the Employees Compensation Act, 1923, praying for allowing the appeal by setting aside the order passed by the Labour Officer and Employees Compensation Commissioner, Sub-Division-II, Ballari (for short, 'Labour Officer'), in Case No.WC (NF) No.220/2007, dated 27.04.2013.

2. Parties would be referred with their ranks as they were before the Labour Officer, for sake of convenience and clarity.

3. The case of claimant before the Labour Officer is that the claimant was working as driver under respondent No.1, who is the owner of tractor bearing registration No.KA-34/T-3735-3736. On 10.01.2007, on the instructions of respondent No.1, claimant had been to load manure bags

to Ballari and then he went for unloading to Belagal and after unloading, while returning to Ballari, at about 02.00 p.m., the steering rod of the tractor was broken and tractor turtle into a ditch and because of that, claimant sustained grievous injuries and admitted to Bandihatti Primary Health Center and then shifted to VIMS Hospital, Ballari and took treatment. Before the accident, he was hale and healthy and because of the accident he is disabled to do any work. Hence, he has filed claim petition before the Labour Officer claiming compensation of ₹2,00,000/-.

4. On receipt of notice, respondent No.1 filed his written statement, wherein he denied the petition averments in toto, except admitting the employment of claimant with him and he had been to Ballari and Belagal and while coming back at 02.00 p.m., the accident happened. However, he does not admit about the injuries sustained by the claimant and further contented that, it is validly insured with respondent No.2 and hence, prayed for saddling liability on respondent No.2 if the Court comes to

the conclusion that claimant has sustained any injury in the aforesaid accident.

5. On receipt of the notice, respondent No.2 insurer appeared through its counsel and filed its written statement, wherein it admitted about validity of the policy, except that, denied all other averments made in the petition and prayed for dismissal of the petition.

6. On behalf of claimant, the claimant was examined as PW.1, examined the doctor as PW.2 apart from marking Exs.P.1 to P.5 and closed his side. On behalf of respondent No.2, insurance policy is marked as Ex.R.1.

7. After recording evidence of both the sides and hearing arguments of both the sides, the Labour Officer dismissed the claim petition on the ground that the claimant failed to prove that he sustained injuries in the accident arose out of the fault in the steering of the vehicle and caused the accident and he sustained injuries in the course of employment.

8. Aggrieved by the same, the appellant/claimant has preferred the appeal under Section 30 of the Workmen's Compensation Act. As per the first Proviso to Section 30 of the Workmen's Compensation Act, only in case of substantial question of law is involved, the appeal shall lie to the High Court.

9. Heard the arguments of Sri B.C.Jnanayya, learned counsel for appellant and Sri Ravindra R. Mane, learned counsel for respondent No.2 and perused the appeal papers and the original records.

10. Learned counsel for appellant would submit that the claimant has produced substantial evidence before the Labour Officer to show that he sustained injury in the accident that had taken place when he was driving the tractor, because, he was driving the tractor under the employment of respondent No.1. He would further submit that the doctor is examined as PW.2, who has issued disability certificate, which establish that the claimant has sustained functional disability. He was working as driver,

because of the fracture of tibia and right hand joint bones, he is unable to do driving work. Hence, there is 100% functional disability to the claimant.

11. Learned counsel for appellant would further submit that respondent No.1 categorically admit the employment of claimant under him and during subsistence of said employment, at the time of discharging his duty as driver, the claimant has sustained injuries and thus, claimant is entitled for compensation. However, the tribunal has not verified these things in a proper manner and there is no proper appreciation of evidence and hence prayed for allowing the appeal.

12. Learned counsel Sri Ravindra R. Mane, for respondent No.2 would submit that the evidence produced before the Labour Officer clearly and categorically establish that the claimant has not lodged complaint and no charge sheet is filed. Furthermore, MVI report is also not produced to show that there was some problem in the vehicle in question i.e., steering rod broken suddenly and that

resulted in turtle of the tractor. The tractor is not at all examined by the Motor Vehicle Inspector. Only the facts are involved in the present case and no substantial question of law is involved. Hence, the appeal itself is not maintainable. Hence, prayed for dismissal of appeal by confirming the order passed by the Labour Officer.

13. From the above facts, the substantial question of law that would arise for consideration is as follows:

“Whether the Labour Officer has grossly erred in appreciating the evidence on record and in dismissing the claim petition?”

14. My finding to the above substantial question of law is in the ‘negative’ for the following:

REASONS

15. The claim petition is filed before Labour Officer claiming compensation for the injuries sustained by the claimant in the course of his employment on 10.01.2007 when he was coming towards Ballari from Belagal, by

unloading the fertilizer bags at about 02.00 p.m., the steering rod of the tractor became cut and he lost his control over the vehicle in question and the tractor turtle on the ditch and thus, he sustained injury in the said accident.

16. To substantiate the above contention of claimant, claimant has produced copy of complaint given by him to police outpost, Cantonment C.B. Ballari, wound certificate as per Ex.P.2, medical bill as per Ex.P.3 and certificate issued by the doctor as per Ex.P.4.

17. On perusal of these documents, the main contention of claimant is that after unloading fertilizer bags while coming from Belagal towards Ballari, the steering rod became broken and thus, he lost control over the tractor and the tractor turtles on a ditch.

18. In this regard, the claimant has not produced MVI report or any other document to show that the tractor in question was damaged or its steering wheel became broken. In the absence of MVI report or any other

document to substantiate the contention of claimant, it is very difficult to say that claimant has sustained injury because of breaking of steering rod of the tractor. Ex.P.2 wound certificate only reveals the injuries sustained by the claimant in a road traffic accident. However, it does not reveal the number of the vehicle or other details. Ex.P.3 is the prescription of the doctor issued on 24.01.2007 by Annapurna Medical Center and Ex.P.4 is the disability certificate.

19. Unless the claimant establishes that his tractor's steering rod was broken, which resulted in the accident, the claimant is not entitled for the compensation for the injuries sustained by him. However, no iota of evidence is produced in that regard. If the complaint is given by the complainant to police outpost and it is not forwarded to the concerned police station to register the FIR, the only course open for the claimant was to go to the police station and to lodge the complaint; if they fail to receive it, then to approach higher officials. However, he did not do so. No action has been

taken against the police official who has not forwarded his complaint given to police outpost.

20. Furthermore, criminal case is not lodged and the Motor Vehicle Inspector has not examined a tractor to say that tractor in question was damaged, except producing the Xerox copy of RC book of the tractor. Even no material is produced to show that this tractor is involved in the present accident.

21. Considering the above aspects in a proper perspective, rightly the Labour Officer has dismissed the petition of claimant. It needs no interference. Hence, I proceed to pass the following:

ORDER

- i) The appeal is dismissed.
- ii) No order as to costs.

**Sd/-
(GEETHA K.B.)
JUDGE**