



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 11TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 100878 OF 2023 (ECA)

BETWEEN:

1. SHRI G. SHRIDHARA @ GANNE SHRIDHARA NAIDU
S/O. LATE NAGANNA
AGE. 65 YEARS, OCC. AGRICULTURIST
2. SMT. RAMADEVI W/O. P. SATISH REDDY
AGE. 37 YEARS, OCC. HOUSEWIFE
3. SMT. SHARADA W/O. HARISHA
D/O. SHRIDHARA NAIDU
AGE. 35 YEARS, OCC. HOUSEWIFE
ALL ARE R/O. MAVINAHALLI VILLAGE,
HOSAPETE TALUK PRESENTLY
R/O. NEAR DURGA MILK DIARY,
BEHIND INFANTRY ROAD, SIDDARTHA NAGAR,
WARD NO.32, CANTONMENT, BALLARI-583101.

...APPELLANTS

(BY SRI GODE NAGARAJA, ADVOCATE)

AND:

1. SHRI P. SATISH @ SATISH P. REDDY
S/O. MUNISADAPPA @ BASAVARADDI
AGE. 41 YEARS, OCC. REGISTERED OWNER OF THE
HYUNDAI SANTRO CAR BEARING



REG.NO.KA-03/ME 9783,
R/O. NO.425,
SHRI SAI PARADISE SEEGEHALLI
KADUGODI POST,
NEAR SAI BABA ASHRAM, BENGALURU,
PRESENTLY R/O. 3RD CROSS,
NEHARU COLONY, BALLARI-583101.

2. M/S. HDFC ERGO GENERAL
INSURANCE COMPANY LTD.,
BY ITS DIVISIONAL MANAGER,
NEAR RTO OFFICE, CANTONMENT,
BALLARI-583103.

...RESPONDENTS

(BY SRI IRANAGOUDA K. KABBUR, ADVOCATE FOR R2;
SRI T. HANNUMAREDDY, ADVOCATE FOR R1)

THIS MFA IS FILED U/S.30(1) OF THE EMPLOYEES
COMPENSATION ACT, 1923, PRAYING TO CALL FOR RECORDS,
ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT AND
AWARD DATED 11.02.2022 PASSED IN ECA.NO.23/2018, ON
THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF
JUDICIAL MAGISTRATE, BALLARI.

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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Heard learned counsel for the parties and perused the trial Court records.

2. The claimants are in appeal under Section 30(1) of the Employees' Compensation Act aggrieved by the rejection of their claim petition in ECA No.23/2018 by Order dated 11.02.2022 on the file of Prl. Senior Civil Judge and CJM Ballari.

3. Learned counsel Sri.Gode Nagaraj for appellant would submit that the husband of the 3rd appellant was working as driver with respondent No.1 and on 03.08.2017, he met with an accident, suffered grievous injuries and died. It is stated that he was aged about 28 years and getting Rs.15,000/- per month as salary as on the date of his death. On his death, a claim petition was filed before the Commissioner i.e., Prl. Senior Civil Judge and CJM, Ballari under Section 10 of the Employees Compensation



Act seeking compensation for the accidental death of the husband of the appellant No.3.

4. On appearance, respondent No.1 filed his statement admitting the death of the husband of the 3rd appellant-claimant and admitted that the deceased was on duty as driver on 03.08.2017 in Car bearing No.KA-03/ME-9783. However, respondent No.2-insurance company in its objection contented that there is no employer and employee relationship between the deceased and respondent No.1. As such, no liability could be fastened on the respondent No.2-insurance company.

5. In support of their case, claimants examined claimant No.1 as PW1 and marked Exs.P.1 to P.20. Respondent No.1 examined himself as RW1 and marked Exs.R.1 to R.3.

6. The Tribunal on scrutiny of the material on record, dismissed the claim petition of the appellants against which the present appeal is filed.



7. On hearing the learned counsel for the parties and on perusal of the entire records, the only point that arise for consideration is as to

“Whether the impugned judgment requires interference at the hands of this Court?”

8. The answer to the above point would be in the negative for the following reasons:-

Appellants-claimants filed claim petition under Section 10 of the Employees' Compensation Act, 1923, claiming compensation for the accidental death of husband of the 3rd claimant/appellant. It is the case of the claimants that the deceased was employee of respondent No.1 as driver and in the accident that occurred on 03.08.2017, while driving the car of respondent No.1, the husband of the 3rd claimant met with an accident and died. It was the case of the claimants that the deceased was aged 28 years and was getting Rs.15,000/- per month as salary. However, the learned counsel for the appellants-claimants would submit that



RW.1 has admitted the relationship of the deceased and the respondent No.1 as employee and employer. Therefore, he submits that the trial Court could not have rejected the claim petition with an observation that employer and employee relationship is not established. Mere admission of RW.1 or mere statement of respondent No.1, owner of car bearing No.KA-03/ME-9783 would not be sufficient to establish the employer and employee relationship in the absence of any other corroborative material. Even PW1 (father of the deceased) has admitted that the car involved in the accident belonged to one Sri. Sathish Reddy. He is his son-in-law. Moreover, he had admitted that no document is produced to establish that the deceased was working as driver with respondent No.1. PW1 has also admitted that Respondent No.1 has received compensation of Rs.2,00,000/- from the insurance company on the ground that deceased is his relative.



9. As no material whatsoever is placed on record to establish the relationship of employer and employee between deceased and respondent No.1, the trial Court is justified in dismissing the claim petition. Before this court also no other document is made available to establish the relationship of employer and employee relationship between deceased and respondent No.1.

10. In the above circumstances, no substantial question would arise for consideration and accordingly the appeal stands rejected.

**Sd/-
(S G PANDIT)
JUDGE**

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

HMB
CT-CMU
LIST NO.: 1 SL NO.: 36