



CNR: KAHC010068492021

NC: 2026:KHC:41801
MFA No. 6562 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 6562 OF 2021 (ECA)

BETWEEN:

SHOYAB AHMAD
S/O. SHAKEEL AHMAD,
AGED ABOUT 31 YEARS,
MAHESHWARI NAGARA EXTN.,
SAKALESH PURA TOWN.

...APPELLANT

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE)

Digitally signed
by PANKAJA S

Location: HIGH
COURT OF
KARNATAKA

AND:

1. FHAROOKH BAG
S/O. M. P. BAIG,
MAJOR,
OSSUR ESTATE,
B.M. ROAD,
SAKALESH PURA,

PRESENT ADDRESS FARUKH BAIG,
S/O. M. P. BAIG,
GOODWILL AUTO LINKS,
TYANARI ROAD,
BENGALURU.



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2. NATIONAL INSURANCE COMPANY LTD.,
1ST FLOOR,
MANJUNATHESHWARA COMPLEX,
BUS STAND ROAD,
HASSAN.
3. RAJARAM GUPTHA
NO.1, GIRISH COMPLEX,
OPP SYNDICATE BANK,
GANDHINAGARA,
2ND CROSS,
BENGALURU-560 009.

...RESPONDENTS

(BY SRI. B.C. SEETHARAM RAO, ADVOCATE FOR R2,
VIDE ORDER DATED 19.01.2023 NOTICE TO R1 & R3 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 30(1) OF EMPLOYEES
COMPENSATION ACT,1923 AGAINST THE JUDGMENT AND
AWARD DATED 27.12.2019 PASSED IN E.C.A NO. 28/2014 ON
THE FILE OF THE COMMISSIONER FOR EMPLOYEES
COMPENSATION AND SENIOR CIVIL JUDGE, SAKALESHPURA,
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

This appeal is directed against the judgment and award dated 27.12.2019 passed in ECA No.28/2014 by the Commissioner for Employee's Compensation and Senior Civil Judge, Sakaleshpura (hereinafter 'the Commissioner'), whereby the Commissioner partly allowed the claim petition filed by the claimant and awarded a compensation of Rs.2,26,393.25/- with 9% interest.

2. The brief facts which necessary for disposal of this appeal are that the claimant-appellant was a employee under respondent No.1 as a driver. On 21.08.2012 at about 05.30 p.m. when he was driving the car of respondent No.1 bearing registration No.KA-02-M-8828, met with an accident. Due to the accident, he sustained severe injuries and immediately he was admitted to Government Hospital at Hassan and subsequently, to Apollo BGS Hospital, Mysuru for treatment. Later, he filed a claim petition before the Commissioner claiming compensation for the injuries he had sustained in the accident.



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3. Upon appreciation of the oral and documentary evidence, the Commissioner partly allowed the claim petition as stated supra. The said judgment is challenged in this appeal by the claimant.

4. Heard the learned counsel for the appellant - claimant and learned counsel for respondent No.2 - insurance company.

5. The primary contention of learned counsel for the appellant-claimant that the Commissioner is not justified in assessing the disability of the claimant at 5%. According to him, the spleen of the claimant has been removed. In such circumstances, the claimant sustained more disability.

6. On the last date of hearing by placing reliance on the submission of the learned counsel for the appellant, this Court has referred the matter to the Medical Board at Victoria Hospital, Bengaluru for examination of the claimant and to place the disability certificate. Accordingly, the Medical Board has examined him on 24.06.2026 and the placed of the report. The report reads as under:



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*"He was subjected to USG
abnormal pelvis for investigations and
No Abnormality Detected."*

7. In such circumstances, I am of the considered view that the Commissioner is justified in assessing 5% disability to the claimant. Further, the Commissioner also justified assessing the income of the appellant at Rs.4,500/- and in taking 60% of the same i.e., Rs.2,700/- and also applied appropriate relevant factor i.e., 219.95 and awarded a compensation of Rs.29,693.25/- and also the medical expense of Rs.1,96,700/-. Thus, totalling to Rs.2,26,393.25/- awarded by the Commissioner is just and proper.

8. However, the Commissioner is erred in awarding 9% interest instead of 12% interest. Accordingly, the interest component is modified to 12% from one month from the date of accident till the realization.

9. Accordingly, the appeal is ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**