



CNR: KAHC010099502024

NC: 2026:KHC:45767
MFA No. 887 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 887 OF 2024 (ECA)

BETWEEN:

SRI SOMEYANDA G NANAI AH
S/O. GANAPATHY
AGED ABOUT 75 YEARS
VOTEPADA ESTATE
HACHINADU VILLAGE
VIRAJPET TALUK
KODAGU DISTRICT-571 211.

...APPELLANT

(BY SRI SOMANNA K.P, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA 1.
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

1. UMA. K
D/O. KUMARAPPA. K
AGED ABOUT 13 YEARS.
2. PUNITH. K
S/O. KUMARAPPA. K
AGED ABOUT 15 YEARS.

(BOTH REPRESENTED
BY THEIR PARENTAL AUNT
SMT. S. CHANDRAVATHI
W/O. SHANMUGAM
AGED ABOUT 63 YEARS
R/O. ANANDAPURA
PALLAKERE ESTATE



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HACHINADU VILLAGE
AMMATHI POST, VIRAJPET TALUK
KODAGU DISTRICT – 571 211.

...RESPONDENTS

(BY SRI. HARISH M G, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 30(1) OF EMPLOYEE COMPENSATION ACT AGAINST THE JUDGMENT AND AWARD DATED:16.01.2024 PASSED IN ECA.No.1/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION,, VIRAJPET, KODAGU DISTRICT, AWARDED COMPENSATION OF Rs.7,36,680/- WITH INTEREST AT 12 PERCENT P.A. FROM THE DATE OF DEATH i.e. 18.01.2016.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. Compromise petition is filed under Order 23 Rule 3 read with Order 32 Rule 7 and Section 151 of CPC. Said compromise petition is signed by appellant, learned counsel for appellant, next friend of respondent Nos.1 and 2 and learned counsel for respondent Nos. 1 and 2. Along with the compromise petition affidavit of next friend/minor guardian of respondent Nos. 1 and 2 is also filed.



2. Learned counsel for respondent Nos.1 and 2 has filed certificate under Order 32 Rule 7(1A) of CPC to the effect that terms of settlement are for the benefit and in the best interest of minor respondent Nos.1 and 2.

3. Terms of the compromise petition are as under:

"1. The aforesaid Appeal is pending before this Hon'ble Court for adjudication. The Respondent No.1 and 2 are the minors, hence their parental aunt Smt.S.Chandravathi stood as legal guardian to represent the minor children. Initially the petition has been filed by Respondent No.1 and 2 minor children along with their late father Sri. Kumarappa.K against the appellant herein claiming compensation under section 3 and 10 of the Workmen's Compensation Act, 1923 for the death of their mother deceased Kashiswari while working in the appellants estate a wild elephant attacked her and died at the Hospital.

2. If is further submits that since the Respondent No.1 and 2 are the minors and for their benefit and welfare, education, food clothing and shelter, maintenance and medicines etc., parties are now amicably settled all their disputes arising out of the workmen's compensation act through their legal



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guardian/ next friend by the leave of this Hon'ble Court by filing this petition.

3. It is submits that as per the terms of compromise, the Appellant shall pay a sum of Rs.5,50,000/- (Rupees Five Lakh Fifty Thousand only) towards full and final settlement of all claims arising out of the award of compensation awarded a sum of Rs.7,36,680/- before the Senior Civil Judge and Commissioner for the Employees Compensation, Virajpet, Kodagu District in E.C.A.No.1/2017 dated 16/01/2024 with a direction to distribute 25% for the next friend of the Respondent No.1 and 2 herein and remaining 75% to deposit as a FD in a Bank chosen by the Guardian until the minors reach majority. The next friend is entitled to periodic interest on the FD and the bank is restricted from advancing loans or releasing the FD prematurely without Tribunal permission.

4. It is further submits that out of Rs.5,50,000/-, a sum of Rs.4,50,000/- shall be deposited in a Nationalized Bank Canara Bank, Siddapura as FD in the name of Minor children and Rs.1,00,000/- shall be permitted to release in the name of minor children's guardian namely Smt.S.Chandravathy to meet the expenses of educational and maintenance of minor children.



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5. Upon receipt of the payment or deposits as mentioned above, the Respondents shall have no further claim against the appellant in respect of the claims of compensations awarded as mentioned above and the parties shall not initiate or continue any further proceedings on the same cause of action.

6. Both the parties confirm that the compromise is voluntary, lawful and in the best interest of all parties, particularly the minor respondents. The Respondents through their guardian or next friend seek the leave of this Hon'ble Court under Order 32 Rule 7 of the Code of the Civil Procedure to enter into the above compromise on behalf of the minor Respondents, as the same is for their benefit.

7. An affidavit is also filed in support of this Joint Petition by the legal guardian or next friend Smt.S.Chandravathy stating that the compromise is solely for the benefit of the minors."

4. Appellant has agreed to pay a sum of Rs.5,50,000/- towards full and final settlement. The respondents have agreed to receive the said amount in full and final settlement of their claim made in ECA No. 1/2017 and award passed therein dated 16.01.2024. It is stated in



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the compromise petition that Rs.1,00,000/- is to be released to the next friend/minor guardian of respondent Nos.1 and 2 and remaining amount of Rs.4,50,000/- shall be kept in Fixed Deposit, in equal share, in the names of respondent Nos. 1 and 2 – minors till they attain majority.

5. Appeal is disposed of in terms of the compromise petition.

6. Excess amount deposited, apart from the settlement amount, shall be refunded to the appellant.

7. Draw the decree in terms of the compromise petition.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 39
Ct.sm