



CNR: KAHC010207942017

NC: 2026:KHC:49018
MFA No. 1273 of 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI
MISCELLANEOUS FIRST APPEAL NO.1273 OF 2017 (WC)**

BETWEEN:

SRI SIDDARAJU
S/O THAMMAIAH
AGED ABOUT 38 YEARS,
R/O SRINIVASAPURA VILLAGE
MANDYA TALUK
MANDYA DISTRICT - 571 401.

...APPELLANT

(BY SRI MARI GOWDA, ADVOCATE)

AND:

1. SMT.PARVATHAMMA
W/O BASAVANNA
AGED ABOUT 60 YEARS,
R/AT SAVAKARA CHANNAIAH
BADAVANE, 6TH CROSS,
NIRMALA CONVENT ROAD
GUTHALU, MANDYA - 571 401.
2. THE BRANCH MANAGER
THE NATIONAL INSURANCE CO.LTD.,
V.V.ROAD, MANDYA-571401

...RESPONDENTS

(BY SRI BHUVAN B.M., ADVOCATE AND
SRI B.C.SEETHARAMA RAO, ADV. FOR R2;
NOTICE TO R1 - SERVED)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS MFA IS FILED UNDER SECTION 30(1) OF WORKMEN COMPENSATION ACT 1923, AGAINST THE ORDER DATED 24.09.2016 PASSED IN ECA NO.27/2014 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANDYA, DISMISSING THE CLAIM PETITION FOR COMPENSATION.

THIS APPEAL, COMING ON FOR *HEARING ON I.A.*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging order dated 24.09.2016 passed by I Additional Senior Civil Judge and CJM, Mandya in ECA no.27/2014, this appeal is filed.

2. Appeal was admitted on 03.01.2024, however without framing substantial question of law. On hearing learned counsel, following substantial question law, would arise for consideration.

"Whether Workmen's Commissioner erred in dismissing claim application without trial?"

3. Heard Sri Mari Gowda, learned counsel for appellant/workman and Sri Bhuvan B.M., learned counsel



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appearing for Sri B.C. Seetharama Rao, advocate for respondent no.2 - insurer.

4. Brief facts leading to this appeal, as stated, are that at 6:30 a.m. on 02.08.2004 when appellant/employee of respondent no.1 as loaders were proceeding in Lorry no.MYG-7261 from Mandya towards Mysore, driver of lorry drove it in rash and negligent manner and near pump house at Srirangapatna, it met with accident with another Lorry. In said accident, appellant/workman sustained grievous injuries and despite treatment, sustained permanent partial physical disability. Claiming compensation for same, filed claim petition in ECA no.27/2014.

5. On appearance, respondent no.2 - insurer contented that in respect of very same incident, WCAs no.10 to 12/2005 were filed before Workmen's Commissioner at Chamarajanagar (for short, '**Commissioner**') and on basis of award passed therein, insurer had deposited sum of Rs.1,59,080/-; Rs.1,56,514/- and Rs.1,40,212/- on 15.09.2008 respectively and therefore, present application was second set



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of claim. In said proceedings, workman filed application under Order XIII Rule 10 of CPC, calling for records in WCAs no.10 to 12/2005 by stating that alleged applications were not by them but by someone else impersonating them and therefore, said award would not bind workman. However, Commissioner proceeded to pass impugned order dismissing claim application on ground that workman had not made effort for obtaining certified copies and producing same in instant proceedings and on ground that second set of application would not be maintainable. Assailing same, this appeal is filed.

6. It was submitted, merely on ground that respondent no.2 - insurer had taken a contention that instant application was second set of application, Commissioner could not have proceeded to dismiss application without holding trial. Especially so, when workman contending that he was not party to WCAs no.10 to 12/2005 before Commissioner. Therefore, substantial question of law arises for consideration and sought for answering same in favour of appellant and allowing appeal.



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7. Learned counsel for respondent no.2 - insurer however submitted that it was not denying incident or its liability, but double claims were impermissible. Since compensation in respect of incident were determined by Commissioner and it had already discharged its liability, there would be no justification for calling upon insurer to pay compensation in present application also and sought dismissal.

8. Heard learned counsel, impugned order and material on record.

9. Reason for rejection of application for calling for records filed by workman was that insurer had contended that in WCAs no.10 to 12/2005 before Commissioner, insurer had already discharged its liability in respect of claims filed by Kumara, Puttaswamy and appellant (Siddaraju) and therefore, present application would be duplication of claims and would be untenable.

10. Though contention of insurer that its liability is to answer one set of claim in respect of incident cannot be denied or disputed. But burden to establish same would be on insurer.



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Moreso, in light of specific contention by workman that he was not claimant in WCAs no.10 to 12/2005 before Commissioner, Chamarajanagara, it would have been appropriate to proceed trial on said contention and Commissioner would not be justified in dismissing application. Cursory dismissal has resulted in total miscarriage of justice. Hence, substantial question of law is answered in favour of appellant.

11. In view of above, I pass following:

ORDER

- i) Appeal is ***allowed***; impugned order dated 24.09.2016 passed by I Additional Senior Civil Judge and CJM, Mandya in ECA no.27/2014 is ***set aside***;
- ii) Matter is remitted back to trial Court for fresh consideration from stage it was pending as on date of passing of impugned order.
- iii) Trial Court shall avail opportunity to parties on either side to lead evidence and thereafter, pass considered award.
- iv) It is clarified that this Court has not expressed any opinion on merit of claims



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and trial Court would be at liberty to arrive at any conclusion based on evidence led.

v) Since both parties are represented to facilitate early conclusion of proceedings, they are directed to appear before trial Court on **03.11.2026.**

vi) Registry is directed to draw decree and transmit records to trial Court well before said date.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 7