



NC: 2026:KHC:54207
MFA No. 5086 of 2016

CNR: KAHC010356862016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO. 5086 OF 2016 (WC)

BETWEEN:

T. SATISH
S/O THIMMAPPA,
AGED ABOUT 36 YEARS,
CLEANER IN LORRY BEARING
REGN. NO.KA 16/A6373,
R/O KELAGINAKOTTIGE,
N.G.HALLI POST,
HOLALKERE TALUK,
CHITRADURGA DISTRICT - 577 522.

...APPELLANT

(BY SRI SIDDAPPA BM., ADVOCATE)

AND:

1. AZGAR ALI
S/O ABDUL SUDHAN,
AGED ABOUT 37 YEARS,
OWNER OF LORRY KA 16/6373,
R/A BADAMKHAN, HORPET,
CHITRADURGA - 577 501.
2. THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE CO. LTD.,
1ST FLOOR, MAGANUR COMMERCIAL
COMPLEX, B.D.ROAD,
CHITRADURGA - 577 501.

...RESPONDENTS

(BY SRI SUNIL KUMAR K., ADVOCATE FOR
SRI LINGARAJ H S., ADVOCATE FOR R2;
R1 - NOTICE SERVED AND UNREPRESENTED)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS MFA IS FILED U/S 30(1) OF WORKMEN'S COMPENSATION ACT AGAINST THE JUDGMENT AND AWARD DATED 22.3.2016 PASSED IN ECA NO.2/2014 ON THE FILE OF THE C/c. SENIOR CIVIL JUDGE, COMMISSIONER FOR EMPLOYEES COMPENSATION, HOLALKERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 22.03.2016 passed by Senior Civil Judge, Commissioner for Employees Compensation, Holalkere (**Commissioner**) in ECA no.2/2014, this appeal is filed.

2. Sri BM Siddappa, learned counsel for appellant submitted that this appeal was by workman challenging finding on liability.

3. Facts as necessary for disposal of appeal were that claimant was employed as cleaner in Lorry no.KA-16-A-6373 belonging to respondent no.1 on monthly salary of Rs.5,000/- with daily bhata of Rs.100/- and at 3:00 p.m. on 02.12.2007



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while claimant was in Lorry as cleaner it had met with accident near Hebbula village on National Highway. As a result, he sustained injuries and despite treatment and spending money, he did not recover fully and sustained loss of earning capacity. In claim petition filed under Section 22 of The Employees' Compensation Act, 1923 (formerly the Workmen's Compensation Act) (**ECA**) insurer opposed claim petition. Though Commissioner assessed compensation, claim petition was dismissed solely by referring to finding of Tribunal in MVC no.319/2009 arising out of same accident. It was submitted, award in MVC no.319/2009 was appealed and MFA no.5763/2012 [2023:KHC:27813], this Court set aside dismissal of claim petition, assessed and awarded compensation. It was submitted, insurer - respondent no.4 therein had accepted liability and paid compensation assessed. In view of same, dismissal of claim petition against insurer in instance case would not be justified and therefore, on liability award requires to be modified.

4. On quantum, it was submitted, Hon'ble Supreme Court in case of ***Oriental Insurance Co.Ltd v. Siby George***



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& Ors. reported in **(2012) 12 SCC 540** and in various later decisions have held that in claims under provisions of ECA, rate of interest awardable would be 12% p.a. from date of incident and therefore, award of interest at 9% from date of petition was not justified and sought for allowing appeal.

5. Sri K Sunil Kumar, learned counsel appearing for Sri HS Lingaraju, advocate for respondent no.2 - insurer on other hand would fairly concede to finding of this Court in MFA no. 5763/2012 and prayed that appropriate orders may be passed.

6. Heard learned counsel, perused impugned award and record.

7. From above, occurrence of accident in course of and out of employment and quantum of compensation are not in dispute. Only dispute is about finding on liability. Only reason assigned by Commissioner for dismissal of claim petition was based on finding in MVC no.319/2009. Said order having been reversed by this Court and insurer accepted liability, basis for finding would stand reversed. Consequently, substantial



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question of law about finding of Commissioner suffering from perversity would arise for consideration and answered in favour of claimant.

8. On quantum, interest awardable in case of claims under ECA would be at 12% from date of incident. Therefore, award of 9% interest from date of claim petition would not be justified. On said ground, substantial question of law about rate of interest being contrary to law would arise for consideration. Answering said question also in favour of claimant, following:

ORDER

- i. Appeal is ***allowed***;
- ii. Judgment and award dated 22.03.2016 passed by Senior Civil Judge, Commissioner for Employees Compensation, Holalkere, in ECA no.2/2014 is *modified*;
- iii. Insurer is held liable to pay compensation assessed at Rs.51,300/- with interest at 12% p.a. from 02.12.2007 till deposit;



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iv. Insurer is directed to deposit compensation within six weeks from today;

v. On deposit, entire compensation is ordered to be released in favour of claimant.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 SI No.: 18