



CNR: KAHC010397732020

NC: 2026:KHC:42535
MFA No. 505 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 505 OF 2021 (ECA)

BETWEEN:

THE NEW INDIA ASSURANCE COMPANY LTD.,
NO. 2241/4,
GIRIYAMMA SHAMBUGOWDA COMPLEX,
CHURCH ROAD,
CHANNAPATNA,
REPRESENTED BY T.P CLAIMS HUB,
NO. 9/2, 2ND FLOOR,
MAHALAKSHMI CHAMBERS,
M.G ROAD,
BANGALORE 560 001.
REPRESENTED BY ITS MANAGER

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI. RAVISHANKAR C.R, ADVOCATE)

AND:

1. SRI AZGAR ALI
AGED ABOUT 50 YEARS
S/O. SRI. HAYATH ALLI,
2. SMT. RENU BEGUM
AGED ABOUT 47 YEARS
W/O. SRI. ASGAR ALI



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BOTH ARE R/AT DAKSHA VILLAGE,
BARPETE DISTRICT, ASSAM STATE

3. SRI. NARAYANASWAMY
AGED MAJOR,
S/O. SRI. VENKATARAMAIAH,
R/AT HANUMANTHA NAGAR,
1ST MAIN ROAD, 1ST CROSS,
RAMANAGARA TOWN,
4. SMT. JAMEELA BANU
AGED MAJOR,
W/O. SRI. SYED MUHIN,
R/AT NO. 94,
MAHABOOB NAGAR MOHALLA,
RAMANAGARA TOWN,

...RESPONDENTS

(BY SRI. R SHASHIDHARA, ADVOCATE FOR R1 & R2,
VIDE ORDER DATED 01.06.2026, NOTICE TO R3 & R4 IS
HELD SUFFICIENT)

THIS MFA IS FILED U/S 30(1) OF EMPLOYEE
COMPENSATION ACT AGAINST THE JUDGMENT AND AWARD
DATED 20.12.2017 PASSED IN ECA NO.22/2015 ON THE FILE
OF THE ADDITIONAL SENIOR CIVIL JUDGE, RAMANAGARA,
AWARDING COMPENSATION OF RS.5,65,000/- WITH INTEREST
AT 12 PERCENT P.A. FROM THE DATED OF ACCIDENT i.e.
13.05.2013 TILL THE DATE OF REALIZATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The Insurance Company has preferred this appeal against the judgment and award dated 20.12.2017 passed in ECA No.22/2015 by the Additional Senior Civil Judge, Ramanagara (for short, 'the Commissioner'), whereby the Commissioner partly allowed the claim petition filed by the respondent - claimant and awarded a compensation of Rs.5,65,000/- along with interest at the rate of 12% from one month after the date of accident and directed the Insurance Company of the Mini Lorry involved in the accident to pay the compensation.

2. The factual matrix of the case are that the deceased in this case one Zahidulla Islam was employed under respondent No.3 - Narayanaswamy as a loader and unloader. As per the instruction of the said Narayanaswamy, on 13.05.2013, the deceased Zahidulla Islam was proceeding as a loader and unloader in the Mini Lorry bearing Registration No.KA-05-8057. After loading granite stones at Channenahalli Granite Factory and delivering the same at Yerehalli Village, Kootagal Hobli, Ramanagara, the deceased was returning



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towards Ramanagara in the said lorry. When the lorry reached near Kallu Kona cross, between Yerehalli and Kootagal, the driver of the lorry drove the same in a rash and negligent manner, as a result, the lorry went off the road and fell into a ditch situated on the left side of the road. Consequently, the lorry toppled and the deceased Zahidulla Islam, sustained severe head injuries and also injuries on the other parts of his body and succumbed to the injuries at the spot.

3. The Commissioner upon assessment of oral and documentary evidence, partly allowed the claim petition as stated supra. The said judgment is challenged in this appeal by the Insurance Company.

4. Heard the learned counsel for the respective parties.

5. The primary contention of the learned counsel for the appellant-Insurance Company is that as per the insurance policy, the registered owner of the vehicle is shown as Smt. Jameela Banu, respondent No.4 in the present appeal, and the Insurance Company was deprived of an opportunity to



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effectively contest the claim before the Commissioner since it was placed *ex-parte*. He further submits that there is violation of the terms and conditions of the policy and the existence of an employer–employee relationship require detailed consideration. However, without adjudicating these aspects, the Commissioner has fastened the liability upon the Insurance Company. Hence, he prays for setting aside of the impugned judgment and remand of the matter to the Commissioner for fresh consideration in accordance with law.

6. *Per contra*, the learned counsel for respondent Nos.1 and 2–claimants, supporting the impugned judgment, contended that despite due service of notice, the appellant–Insurance Company remained absent and was placed *ex-parte* before the Commissioner. He submits that the records produced before the Commissioner clearly establish that the offending vehicle was covered under a valid insurance policy issued by the appellant–Insurance Company. Therefore, the Commissioner was justified in fastening the liability upon the appellant–Insurance Company.



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7. He further contended that there is an inordinate delay of 764 days in preferring the present appeal. Though the Insurance Company has deposited the entire award amount before the Commissioner while filing the appeal, in the event the matter is remanded and the Insurance Company is ultimately held liable to satisfy the award, it would be liable to pay interest on the compensation amount from the date of the accident till the disposal of the claim petition on remand. Accordingly, he prays for dismissal of the appeal.

8. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire materials on record.

9. As could be gathered from records, admittedly the Insurance Company remained absent before the Commissioner and placed *ex-parte* before the Commissioner.

10. The Commissioner, upon appreciation of the oral and documentary evidence available on record, particularly the evidence of the claimants, fastened the liability upon the appellant–Insurance Company. On careful consideration of the



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material on record, the contention of the learned counsel for the appellant-Insurance Company is that, though the offending vehicle was covered under the insurance policy issued by the appellant-Insurance Company, the said policy was obtained by Smt. Jameela Banu, respondent No.4 in the present appeal. In the circumstances, the question regarding the employer-employee relationship as well as the coverage and validity of the insurance policy requires reconsideration, after affording an opportunity to the Insurance Company to lead further evidence and produce the relevant policy documents.

11. I find substantial force in the contention urged by the learned counsel for the appellant-Insurance Company. Accordingly, the matter requires to be remitted to the Commissioner for reconsideration of the aforesaid aspects in accordance with law. Hence, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award dated 20.12.2017 passed in ECA.No.22/2015 by



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the Additional Senior Civil Judge, Ramanagara is set aside.

iii. The matter is remitted back to the Commissioner concerned for fresh consideration.

iv. The parties shall appear before the Commissioner on **18.09.2026** without expecting any notice from the Commissioner.

v. The parties are at liberty to produce additional documents and lead further evidence.

vi. The Commissioner shall make endeavour to dispose of the matter within an outer limit of six months from the date of appearance of the parties.

vii. The parties are directed to co-operate with the Commissioner for speedy disposal of the matter.

viii. All contentions of the parties are left open.

The amount deposited by the Insurance Company before the Commissioner shall be kept in a fixed deposit in any Nationalized Bank till disposal of the claim petition.



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In view of disposal of the appeals, pending I.As., if any,
stand disposed of.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 19