



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 590 OF 2020 (ECA)

BETWEEN:

MANJUNATHA N.S
S/O SUBBEGOWDA
AGED ABOUT 42 YEARS,
NERALAKERE VILLAGE,
KASABA HOBLI,
ALUR TALUK
HASSAN-573 201

...APPELLANT

(BY SMT. KAVITHA H.C, ADVOCATE)

AND:

1. SALAM PASHA
S/O DASTHAGIR SAB
S.S AALAYA, SHERIFF COLONY,
H.N PURA ROAD,
1ST CROSS, HASSAN-573 201

2. THE MANAGER
UNITED INDIA INSURANCE
COMPANY LIMITED
VENKATESHWARA BUILDING
B.M ROAD, HASSAN-573 01

...RESPONDENTS

(BY SRI. JWALA KUMAR, ADVOCATE FOR R2,
VIDE ORDER DATED 01/09/2022, NOTICE TO R1 IS
DISPENSED WITH)

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by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, AGAINST THE JUDGMENT AND AWARD DATED. 13.09.2019, PASSED IN ECA NO.26/2017, ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND COMMISSIONER FOR EMPLOYEES COMPENSATION, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant/employee has preferred this appeal seeking enhancement of the compensation awarded under the judgment and award dated 13.09.2019 passed in ECA No.26/2017 by the Addl. Senior Civil Judge and Commissioner for Employees' Compensation, Hassan (for brevity, "the Commissioner").

2. The factual matrix of the case is that the claimant/employee was employed as a driver under respondent No.1 and had been driving the lorry bearing registration No. KA-13-B-8424 for the preceding four years. On 30.04.2017, at



about 12.30 p.m., near Sheriff Colony, Hassan, while tightening the rope securing the load of the lorry as per the instructions of respondent No.1, he fell down and sustained injuries arising out of and in the course of his employment. As a result, he suffered injuries to both his legs and other parts of his body. Immediately after the accident, he was shifted to Mangala Hospital, Hassan, where he underwent inpatient treatment for about three months and incurred medical, surgical, ambulance and other incidental expenses of about ₹1,50,000/-. Thereafter, he continued treatment as an outpatient.

3. Consequently, the claimant/employee filed a claim petition before the Commissioner seeking compensation under the Employees' Compensation Act. Upon appreciation of the oral and documentary evidence on record, the Commissioner partly allowed the claim petition. Aggrieved by the said judgment and award, the appellant-employee has preferred this appeal.

4. Heard learned counsel Smt. Kavitha H.C, for the appellant-employee and learned counsel Sri. Jwala Kumar, for the respondent No.2-insurance company.



5. Learned counsel for the appellant/employee, apart from urging several contentions, primarily contended that the Commissioner has grossly erred in assessing the appellant's monthly wages as on the date of the accident. She further submitted that Ex.P13, the reply notice issued by the employer, Salam Pasha, clearly discloses that the appellant was being paid a monthly salary of Rs.10,000/- along with a batta of Rs.500/- per day. Despite the said evidence, the Commissioner erroneously assessed the monthly wages at Rs.8,500/-. On these grounds, she prayed for allowing the appeal.

6. *Per contra*, learned counsel for the respondent No.2-Insurance Company, by supporting the impugned judgment and award, contended that the Commissioner, upon proper appreciation of the entire oral and documentary evidence on record, has rightly awarded just compensation after duly considering the claimant's income and other relevant aspects. Accordingly, he prayed for dismissal of the appeal.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and perused the documents available on record.



8. As could be gathered from the records, the appellant-employee has failed to produce any cogent or authenticated evidence to establish his monthly income. In the absence of such proof, the Commissioner was justified in assessing the monthly wages notionally at Rs.8,500/- for the purpose of computing compensation. Though Ex.P7, the legal notice issued by the appellant, and Ex.P13, the reply notice issued by respondent No.1/employer, are relied upon to contend that the appellant was drawing a salary of Rs.10,000/- per month with a batta of Rs.500/- per day, both the documents came into existence much after the date of the accident, being dated 26.08.2017 and 01.09.2017 respectively.

9. A careful perusal of Ex.P13 further reveals that the employer has voluntarily mentioned the salary and batta payable to the appellant, though no such assertion or query was raised in Ex.P7. In the circumstances of the case, and particularly when the insurance policy was admittedly in force, Ex.P13 appears to have been issued with the intention of supporting the appellant's claim. Therefore, no substantial



evidentiary value can be attached to Ex.P7 and Ex.P13 for determining the appellant's monthly wages.

10. The Commissioner has duly considered all other relevant aspects of the matter and awarded just compensation. Hence, I find no infirmity or perversity in the impugned judgment and award warranting interference. Accordingly, the appeal, being devoid of merit, stands ***dismissed.***

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 SI No.: 35