



NC: 2026:KHC:48289
MFA No. 9033 of 2013

CNR: KAHC010540602013

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO. 9033 OF 2013 (WC)

BETWEEN:

M/s ORIENTAL INSURANCE COMPANY LIMITED
DIVISIONAL OFFICE,
S S COMPLEX,
SUBHASH CHOWK,
HASSAN - 573 201
REP BY ITS DIVISIONAL MANAGER.

...APPELLANT

(BY SRI K.S.LAKSHMI NARASAPPA, ADVOCATE FOR
SRI A M VENKATESH, ADVOCATE)

AND:

1. SRI SHANMUKHA
S/O PUTTAPPA
AGED ABOUT 28 YEARS
MUKUNDURU HOSAHALLI
KATTAYA HOBLI
HASSAN TALUK - 573 201.
2. SRI M C LAKSHMEESH
S/O M H CHANDRA
SINCE DEAD REP BY HIS LRS
- 2(a) SRI M H CHANDRU
S/O HANUMANTHEGOWDA
AGED ABOUT 60 YEARS
- 2(b) SMT.KAMALA
W/O M H CHANDRU
AGED ABOUT 55 YEARS

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



NC: 2026:KHC:48289
MFA No. 9033 of 2013

CNR: KAHC010540602013

2(c) SRI NAVEEN
S/O M H CHANDRU
AGED ABOUT 35 YEARS

RESPONDENT NOs.2(a) TO (c)
ARE FATHER, MOTHER AND
BROTHER OF DECEASED
M.C.LAKSHMEESH.

ALL ARE R/O
MUKUNDURU VILLAGE
KATTAYA HOBLI,
HASSAN - 573 201.

...RESPONDENTS

(BY SRI G.M.SHARATH KUMAR, ADVOCATE FOR
SRI CHETHAN B., ADVOCATE FOR R1;
V/O DTD 20.02.2017-NOTICE TO R2 (b, c) IS H/S;
V/O DTD 16.02.2018-R2(b & c)
ARE LRs OF DECEASED R2(a)

THIS MFA IS FILED U/S 30(1) OF W.C. ACT AGAINST THE
JUDGMENT DATED 26.07.2013 PASSED IN WCA/NF/SR-29/2008 ON
THE FILE OF THE LABOUR OFFICER AND COMMISSIONER FOR
WORKMEN COMPENSATION, HASSAN -SUB DIVISION, HASSAN,
AWARDING COMPENSATION OF RS.1,59,386/- WITH INTEREST @
12% FROM AFTER 30 DAYS OF ACCIDENT TILL DEPOSIT IN COURT.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CNR: KAHC010540602013

NC: 2026:KHC:48289
MFA No. 9033 of 2013

ORAL JUDGMENT

Challenging award dated 26.07.2013 passed by Commissioner for Workmen's Compensation, Hassan, in WCA/NF/SR no.29/2008, this appeal is filed.

2. Sri KS Lakshmi Narasappa, learned counsel appearing for Sri AM Venkatesh, advocate for appellant submitted that appeal was by insurer challenging award passed by Commissioner. It was submitted that as per respondent no.1, claimant was employed as cleaner in a Lorry belonging to respondent no.2 bearing no.KA-12/A-1820 as a cleaner on daily wages of Rs.150/- plus Rs.50/- per day as bhata and as per instructions of employer, when he was in Lorry proceeding towards Mangaluru with iron ore on 27.07.2006, while he was hammering a nail on door of Lorry, it slipped and hit his left eye causing injury, for which he took treatment at Sri Dharmastala Manjunatheshwara Eye Hospital and later at Govt. Hospital, Hassan. But his vision was affected. Though he intimated same to his employer and assured compensation but was not paid. Therefore, he filed complaint and based on same, filed



CNR: KAHC010540602013

application for compensation under Workmen's Compensation Act, 1923.

3. After appearance, appellant opposed application by filing objections denying relationship of employer and workman. Even income, injury as well as disability were disputed. Though workman examined only himself and got marked acknowledgment issued by police as Ex.P1, mahazar as Ex.P2, wound certificate as Ex.P3 and treatment record by hospital as Ex.P4 and did not examine any Doctor. Without any basis, Commissioner recorded finding about proof of relationship of employer and employee, determined age of workman as 22 years, monthly income at Rs.4,000/-, disability at 30% applying factor of 221.37 awarded excessive compensation. Aggrieved thereby, this appeal was filed.

4. Substantial questions of law propounded were, whether Commissioner was justified in holding relationship of workman and employer proved and secondly, whether Commissioner was justified in assessing permanent partial physical disability at 30% without assessment by Doctor. On above ground, sought for allowing appeal.



CNR: KAHC010540602013

5. On other hand, Sri GM Sharath Kumar, learned counsel appearing for Sri B Chethan, learned counsel for respondent-workman opposed appeal. It was submitted that while passing impugned award, Commissioner had taken note of description of claimant as cleaner in police complaint and in claim petition. There was no contrary evidence led by insurer. Same would be a question of fact. Even insofar as assessment of disability and compensation, it was submitted that claimant had produced wound certificate and treatment records. Referring to same, Commissioner had assessed compensation which would be question of fact and could not be interfered with. On said ground, sought for dismissal.

6. Heard learned counsel and perused impugned award as well as records.

7. This appeal is by insurer challenging award passed by Commissioner in claim under Workmen Compensation Act. Insofar as first substantial question of law, indeed in complaint, workman stated that he sustained injuries while vehicle was in transit towards Mangaluru and when he was working as cleaner and failed to examine driver and in cross-examination of PW.1,



CNR: KAHC010540602013

it is elicited that there are no records produced to indicate his employment, but, while passing impugned award, Commissioner has referred to material on record, namely police complaint, wherein claimant is described as cleaner. Insurer merely disputed it and not produced any material such as notice issued to insured for furnishing particulars of employees and failed to examine insured. In absence of same and when finding of Commissioner is based on some material, finding cannot be stated to be perverse and would not be a substantial question of law.

8. Insofar as second contention about assessment of disability at 30% and award of compensation being without any basis, perusal of records would indeed indicate that workman failed to examine any Doctor. Only material on record are wound certificate at Ex.P3, treatment record at Ex.P4 and medical bill at Ex.P4(a). None of them indicate permanent disability. Injuries noted in wound certificate are 'conjunctiva of left eye' stated to be grievous. Ex.P4 reveals prescription of eye drops as treatment. Though Ex.P4(a) would indicate surgical intervention, there is no material to establish that injury had



NC: 2026:KHC:48289
MFA No. 9033 of 2013

CNR: KAHC010540602013

resulted in any loss of vision or permanent disability so as to justify assessment of 30% disability.

9. In view of above, finding of Commissioner on quantum would appear perverse. However, instead of remitting matter back to Commissioner for assessment and taking note of fact that claim petition is of year 2008 and appeal is of year 2013, it is found appropriate to award a sum of Rs.25,000/- by holding that injury caused temporary disability not exceeding six months time for healing and by taking note of monthly income of workman at Rs.4,000/- as held by Commissioner.

10. Appeal is ***allowed in part.*** Award of Commissioner is modified by reducing award from Rs.1,59,386/- to Rs.25,000/- with interest at 12% per annum from date of incident i.e., 27.07.2006 till deposit. Entire amount awarded to be released in favour of workman. Excess amount to be refunded in favour of insurer.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 15