



CNR: KAHC010644112025

NC: 2026:KHC:40343-DB
WA No. 1662 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1662 OF 2025 (S-RES)

BETWEEN:

SMT. SMITA NAGALAPUR,
W/O MAHESH H.
AGED ABOUT 40 YEARS,
OCC: CIVIL JUDGE,
R/AT QUARTERS NO.2,
JUDGES QUARTERS,
AIWAN-E-SHAHI,
KALABURGI - 585 102.

PRESENTLY WORKING AS
PRL. CIVIL JUDGE AND JMFC,
CHAMRAJNAGARA
R/AT A-19GF, PWD QUARTERS
CHAMARAJANAGARA - 571 313.

...APPELLANT

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
BENGALURU - 560 001.
2. THE HON'BLE HIGH COURT OF KARNATAKA,
BY THE REGISTRAR GENERAL,

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



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- BENGALURU - 560 001.
3. PRINCIPAL DISTRICT AND SESSION JUDGE,
CONTROLLING OFFICER,
DISTRICT COURT COMPLEX,
KALABURGI - 585 102.
 4. CHIEF ADMINISTRATIVE OFFICER,
DISTRICT AND SESSION JUDGE,
DISTRICT COURT COMPLEX,
KALABURGI - 585 102.
 5. CHIEF EXECUTIVE OFFICER,
MANIPAL HOSPITAL, MYSURU,
MANIPAL HOSPITAL PRIVATE LIMITED
(FORMERLY COLUMBIA ASIA HOSPITAL
PRIVATE LIMITED)
85-86, MYSURU BENGALURU,
RING ROAD JUNCTION,
BANNI MANTAP 'A' LAYOUT,
SIDDIQUI NAGAR,
MUSURU - 570 015.

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1,
SRI. M.A. SUBRAMANI, ADVOCATE FOR R2, R3 AND R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED:23.08.2025 PASSED BY THE LEARNED
SINGLE JUDGE IN WP NO.11097/2024 AND THEREBY ALLOW
THE WRIT PETITION AS PRAYED FOR AND ETC.,



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed by the appellate/petitioner, being aggrieved by the judgment and order dated 23.08.2025, passed by the writ Court in WP.No.11097/2024, filed by the appellant.

2. The grievance of the petitioner, who is presently working as Principal Civil Judge and JMFC, Chamarajnagara, is that she had incurred medical expenses for a sum of Rs.8,23,443/- while giving birth to a premature child. However, the reimbursement has been made to the extent of Rs.3,72,909/-, on the ground that the Manipal Hospital is not one of the empanelled hospital of the State Government, and the Government cannot



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reimburse bills to the extent raised by a hospital, which is not empanelled, under the Karnataka Judicial Officers (Medical Attendance) Rules, 2009.

3. Learned counsel for the appellant submitted that the appellant/petitioner went to the Government hospital, when she started having labour pain. However, the delivery was expected to be premature, she was referred to Columbia Asia Hospital, Mysuru, by the said Government hospital. On reference made by the Government hospital, she went to the Columbia Asia Hospital, Mysuru, for delivery of a premature child. As the complications arose, she remained in hospital from 11.01.2022 to 17.03.2022 with the premature born child.

4. The learned counsel for the appellant would submit that the appellant/petitioner went to the Columbia Asia Hospital, not out of her choice, but on reference made by the Government hospital, where she first went to labour the child. Neither, the Government Hospital



Authorities nor the petitioner would know that the Columbia Asia Hospital was taken over by Manipal Hospital. Manipal Hospital is not one of the empanelled hospitals of the State Government. However, for this reason, the petitioner cannot be blamed nor be punished as she did not opt Manipal Hospital, but she went to Columbia Hospital as referred by the Government Hospital Authorities. It appears that in the meantime, the Manipal Hospital has taken over by Columbia Asia Hospital.

5. The take over of Columbia Asia Hospital by Manipal Hospital happened only in the year 2021. If the appellant/petitioner was aware of this fact, she might have not gone to the Columbia Asia Hospital/Manipal Hospital. The petitioner is being penalized for no fault of her and therefore, submission of the petitioner is that she is entitled for full reimbursement as per the Karnataka Judicial Officers (Medical Attendance) Rules 2009.



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6. On the other hand Sri. M.A.Subramani, learned counsel appearing for respondent Nos.2 to 4 and Sri.B.Ravindranth, learned Additional Government for the State, have submitted that Rule 5(7) of 2009 Rules, provides for reimbursement of medical expenses under those rules. As Manipal Hospital is not one of the empanelled hospitals, the petitioner would be entitled only to the rates charged by the empanelled hospitals. The appellant/petitioner has already been paid/reimbursed to that extent by making payment of Rs.3,72,909/-

7. We have considered the submissions. Facts are not in dispute. Rule 5(7) of 2009 Rules provides for reimbursement, which reads as under:

"(7) In respect of expenses including accommodation where such treatment is taken, incurred by a judicial officer for the medical attendance and treatment obtained by him and for members of his family in any place other than in a diagnostic centre, hospital or dispensary maintained by the State Government or an hospital or dispensary for the time being notified by the



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Karnataka Government under Karnataka Government Servants (Medical Attendance) Rules, 1963 or Karnataka Legislature (Members' Medical Attendance) Rules, 1968, he shall be entitled for reimbursement of the expenses incurred to the same extent as he is entitled under these rules of reimbursement of expenses incurred by him for medical attendance and treatment obtained in such hospital or dispensary."

8. Under the rules, if Judicial Officer takes the treatment in a hospital not empanelled by the Government, he/she would be entitled for reimbursement to the extent of the rates charged by the officers for the empanelled hospital. In the said circumstances, we would not have interfered with the stand of the State Government. However, in the present case, the appellate/petitioner was referred to the Columbia Asia Hospital, which was empanelled hospitals by the District Hospital Authorities. The petitioner also would not know whether the Columbia Asia Hospital was taken over by the Manipal Hospital. Had this fact known to the petitioner/appellant, she might not have ventured to go to



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the Columbia Asia Hospital, but she would have gone to some other empanelled hospital. She did not go to Columbia Asia Hospital out of her choice, but she was referred by the Government Hospital.

9. We are therefore of the view that, she cannot be penalized. We therefore, set aside the impugned judgment and order.

10. As the petitioner was also not careful, while being referred to Columbia Asia hospital. We direct the State Government to bear half of the amount of Rs.4,50,000/-, inasmuch as the petitioner had already been reimbursed Rs.3,72,900/- and thus, the petitioner should be paid Rs.2,25,000/- further towards her medical expenses incurred by her, while taking treatment in Columbia Asia Hospital/Manipal Hospital.

11. We have passed this order in the peculiar facts and circumstances of the case, and it should not be



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treated as precedent in other cases. Accordingly, the Writ
Appeal stands ***disposed of***.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 1 Sl No.: 7
ct-vn