NC: 2025:KHC-K:1749
MFA No. 201057 of 2019

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 20TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCL. FIRST APPEAL NO.201057 OF 2019 (EC-I)

BETWEEN:

RELIANCE GENERAL INSURANCE CO. LTD.,
THROUGH ITS BRANCH MANAGER,
3RD FLOOR, ASIAN PLAZA, S.V. PATEL CHOWK,
MAIN ROAD, KALABURAGI,
REPRESENTED BY AUTHORISED OFFICER.

…APPELLANT

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. GURULINGAPPA S/O CHANDRASHEKAR JENKATTI,
   AGE: 39 YEARS, OCC: DRIVER, NOW NIL,
   R/O DONGERGAON,
   NOW RESIDING AT BHAVANI NAGAR,
   KALABURAGI-585 102.

2. SANTOSH S/O SIDDRAMAPPA RAMPURE,
   AGE: 34 YEARS, OCC: OWNER OF LORRY,
   R/O DONGERGAON,
   TQ. & DIST. KALABURAGI-585 102.

…RESPONDENTS

(NOTICE TO R1 HELD SUFFICIENT V/O DTD 19.06.2024;
R2-SERVED)

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED UNDER SECTION 30(1) OF EMPLOYEE'S COMPENSATION ACT, PRAYING TO CALL FOR RECORDS IN ECA NO. 59/2014 ON THE FILE OF THE I ADDL. SENIOR CIVIL JUDGE COMMISSIONER FOR EMPLOYEE'S COMPENSATIONS AT KALABURAGI, EXAMINE THE SAME AND ON BEING SATISFIED, BE PLEASED TO ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND ORDER DATED 09.01.2019 PASSED IN ECA NO. 59/2014.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C M JOSHI)

Heard learned counsel for the appellant-Insurance Company.

2. Being aggrieved by the judgment in ECA No.59/2014 dated 09.01.2019 by the I-Addl. Senior Civil Judge and Commissioner Workmen's Compensation, Kalaburagi (for short, 'the Commissioner') the appellant-Insurance Company is before this Court in appeal.

3. The factual matrix of the case is that, the petitioner was a driver-cum-cleaner on the lorry bearing No.KA-32/A-8083 owned by respondent No.1 and was earning a sum of Rs.6,000/- per month as wages. The said vehicle met with an accident due to sudden braking and he suffered injuries to the hand. He was admitted to hospital and took treatment and later he filed claim petition seeking compensation under the provisions of the Workmen's Compensation Act (for short, 'the W.C.Act').

4. Before the Commissioner under the W.C.Act, the respondent No.1 admitted that the petitioner was working under him as driver-cum-cleaner, but stated that the salary was Rs.4,500/-. However, the appellant-Insurance Company, who was the respondent No.2 before the Commissioner, amongst other grounds resisted by denying the relationship and fact that the petitioner was the driver-cum-cleaner.

5. After enquiry, the Tribunal held that the relationship has been proved and that the petitioner was

the driver-cum-cleaner and as such passed the impugned judgment awarding the compensation of Rs.71,900/- along with interest. Being aggrieved by the same, respondent No.2-Insurance Company is before this Court in appeal.

6. On careful perusal of the records, it is evident that the learned Commissioner has dwelt on the factual aspects in detail. The fact that the petitioner was the employee under the owner of the lorry has been answered in the affirmative. The fact that the petitioner was injured in the accident is also answered in the affirmative.

7. Now the Insurance Company is contending that the petitioner was not a driver since he did not produce the driving licence. The question of fact having been answered by the Commissioner, this Court is not required to enter into the discussion on the question of facts. The provisions of the W.C.Act, do not permit the appellate Court to enter into question of fact. It is specifically barred under the provisions of the W.C.Act, as well as in the subsequent version, which is Employee’s Compensation

Act. When there is a specific bar; the appellant-Insurance Company insisting on once again visiting the facts is not permitted.

8. Under these circumstances, no case is made out by raising any questions of law, much less the substantial question of law. Hence, the following:

ORDER

(i) The appeal is dismissed.

(ii) The amount in deposit, if any, be transmitted to the concerned Court.

(iii) The Registry to send back the trial court records to the concerned Court.

Sd/-
(C M JOSHI)
JUDGE

SDU
LIST NO.: 1 SL NO.: 39
CT: AK