



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE C.M. JOSHI

MISCL. FIRST APPEAL NO.200401/2019(WC)

BETWEEN:

1. MD. ISMAIL S/O HUSSAIN SHAH,
AGE: 66 YEARS, OCC: NIL,
R/O SATOLI,
TQ. & DIST. BIDAR.
2. ANWAR BEE W/O MD. ISMAIL,
AGE: 60 YEARS, OCC: HOUSEHOLD,
R/O SATOLI,
TQ. & DIST. BIDAR.

...APPELLANTS

(BY SRI SHARANABASSAPPA K. BABSHETTY, ADVOCATE)

AND:

1. RAVI VELIVELA PADMASHRI ROAD LINES,
PADMAVATI NILAYAM, 9-35/1, P.NO.482 & 483,
PRATHA ENCLAVE PATA, CHERU MEDAK,
MUTHANGI-502 130.
2. THE BRANCH MANAGER,
UNITED INSURANCE CO. LTD.,
SHETKAR COMPLEX, NEAR CANARA BANK,



KEB ROAD,
BIDAR-585 401.

...RESPONDENTS

(BY SRI K.M. GHATE, ADVOCATE, FOR R1;
SRI S.S. ASPALLI, ADVOCATE, FOR R2)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 30(1) OF THE WORKMEN'S COMPENSATION ACT, 1923, PRAYING TO ALLOW THIS APPEAL BY MODIFYING THE JUDGMENT AND AWARD DATED 21.03.2018 PASSED BY THE II ADDL. SENIOR CIVIL JUDGE AND JMFC AT BIDAR, IN ECA NO.8/2015 AND ENHANCE THE COMPENSATION AMOUNT AS CLAIMED BY THE APPELLANTS.

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)

Though this appeal is slated for admission, with the consent of both the parties, it is taken up for final disposal

2. Heard learned counsel appearing for the appellants and the learned counsels appearing for the respondents.

3. This appeal is by the petitioners against the judgment and award dated 21.03.2018 passed in ECA



No.8/2015 by the II Additional Senior Civil Judge and JMFC, Bidar, (hereinafter referred to as 'the Commissioner' for the sake of convenience), seeking enhancement of compensation awarded by the Commissioner.

4. The petitioners are the dependents of the deceased Ameer Ali, who was working as a Driver in lorry No.AP-23/TA-1481 under the employment of respondent No.1. The said lorry was insured by respondent No.2. While the said lorry was being driven by the deceased, it met with an accident, resulting in the death of the deceased, who was son of the petitioners. The petitioners claiming that the deceased was 27 years and was under the employment of the respondent No.1 and that the lorry was insured by respondent No.2, filed a claim petition under Section 10 of the Workmen's Compensation Act.

5. Learned Commissioner after enquiry came to the conclusion that the deceased Ameer Ali was under the employment of the respondent No.1, but he drove the vehicle without valid Driving License and as such, absolved



the liability of respondent No.2 and directed the respondent No.1 to pay the compensation of Rs.8,61,120/- along with the interest.

6. Being aggrieved by the same, the petitioners are before this Court.

7. The petitioners are assailing the impugned judgment to the extent that the commissioner should not have fastened liability upon respondent No.1, but should have directed respondent No.2 to pay the compensation.

8. It is worth to note that when a factual finding has been given by the learned Commissioner that the deceased was not having valid Driving License, there was no reason for holding the 2nd respondent - Insurance Company liable to pay the compensation. The question of fact about the possession of the Driving License by the deceased has been answered by the Commissioner and this Court cannot enter into the question of fact.



9. The provisions of the Workmen's Compensation Act provide for an appeal only on substantial question of law. In that view of the matter, there is no substantial question of law, which arises in the present appeal. Consequently, the appeal is dismissed at the stage of admission itself.

Sd/-
(C.M. JOSHI)
JUDGE

SBS
List No.: 1 Sl No.: 45
CT: AK