

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

Dated this the 19th day of March, 2013

Before

THE HON'BLE MR JUSTICE HULUVADI G RAMESH

Miscellaneous First Appeals 30580 / 2011 c/w 30581 / 2011 c/w

30582 / 2011 (WC)

Between:

M/s United India Insurance Co Ltd
By its Branch Manager, Raichur
Now reptd. by Divisional Manager
United India Insurance Co Ltd
V S Sukhani Complex, I Floor
Gandhi Chowk, Raichur

Common
Appellant

(By Sri Sanjay M Joshi, Adv.)

And:

In MFA 30580/2011

- 1 Mailarappa S/o Honnurappa
54 yrs (Ex-Driver)
R/o Jawalageri Village
Sindhnoor Taluk, Raichur
- 2 Tirupathi Reddy S/o Chinnappa Reddy
Owner of lorry, R/o M/s New Maharashtra
Transport Office, Opp: Rural Police Station
Chitradurga

- 3 Sri Mayaddi S/o Hajabba
Insurance Policy Holder of Lorry
R/o C/o New Maharashtra Transport Office
Opp: Rural Police Station, Chitradurga Respondents

(By Sri Prakash Yeli, Adv. for R1)

In MFA 30581/2011

- 1 Jayappa S/o Venkateshappa
Ex-Lorry Loader, R/o Jawalagera
Sindhnoor Tq, Raichur
- 2 Tirupathi Reddy S/oChinnappa Reddy
Owner of lorry, R/o M/s New Maharashtra
Transport Office, Opp: Rural Police Station
Chitradurga
- 3 Sri Mayaddi S/o Hajabba
Insurance Policy Holder of Lorry
R/o C/o New Maharashtra Transport Office
Opp: Rural Police Station, Chitradurga Respondents

(By Sri Prakash Yeli, Adv. for R1)

In MFA 30582/2011

- 1 Mallikarjun S/o Bhimappa
36 yrs, Ex-Lorry Loader
R/o Jawalagera, Sindhanoor Tq
Raichur
- 2 Tirupathi Reddy S/oChinnappa Reddy
Owner of lorry, R/o M/s New Maharashtra
Transport Office, Opp: Rural Police Station
Chitradurga

3 Sri Mayaddi S/o Hajabba
Insurance Policy Holder of Lorry
R/o C/o New Maharashtra Transport Office
Opp: Rural Police Station, Chitradurga Respondents

(By Sri Prakash Yeli, Adv. for R1)

The First Appeals are filed under S.30(1) of the Workmen's Compensation Act praying to set aside the judgment dated 5.1.2011 in WCA 496/2006; 497/2006 and 499/2006 by the Commissioner for Workmen's Compensation, Raichur.

The First Appeals coming on for Admission this day, the court delivered the following:-

JUDGMENT

These appeals are by the insurer against the award passed by the Commissioner for Workmen's Compensation, Raichur in WC 496, 497 and 499/2006 respectively. Claimants are the driver and loaders.

The Commissioner for Workmen's Compensation while dealing with the claim petitions, noted that on 10.9.2005 while the claimants to load manure were going from Chitradurga to Kodi Rangappanahalli, in the lorry bearing No. MES 4531, around 2.30 a.m. in the midnight on NH 4 near k Ballikatti Village, due to the negligence of the driver, the lorry turned turtle. In that, claimants sustained injuries. They were treated at Thorangal

Hospital. Stating that they were earning Rs.4,000/- and they have become permanently disabled due to the injuries suffered, claim petitions were filed. The matter was contested. After inquiry, the Commissioner awarded the following compensation:

Sri Mylarappa	Rs.1,27,318/-
Sri Jayappa	Rs.1,61,425/-
Sri Mallikarjun	Rs.1,47,973/-

Aggrieved, contending that the compensation awarded is on the higher side, insurer is in appeal seeking reduction in the compensation awarded.

Heard the counsel representing the parties.

After hearing both sides, since the percentage of disability assessed is on the higher side in all these cases, in MFA 30580/2011 (Sri Mylarappa), the compensation is reduced to Rs.1,05,000/- ; in MFA 30581/2011, (Sri Jayappa), compensation is reduced to Rs.1,49,000/- and in MFA 30582/2011 (Mallikarjun), compensation is reduced to 1,32,000/-. Interest at 12% shall be awarded after reduction in the compensation as

stated above, from the compensation awarded by the Commissioner for Workmen's Compensation from one month after the date of accident till deposit.

Appeals are allowed in part. Amount in deposit be transferred to the Commissioner for Workmen's Compensation, Bijapur for disbursement. Excess amount be returned to the Insurer.

*Sd/-
Judge*

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