HC-KAR



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD BENCH**

**DATED THIS THE 10TH DAY OF SEPTEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE ASHOK S. KINAGI**

**MISCELLANEOUS FIRST APPEAL NO. 103847 OF 2023 (ECA -)**

**BETWEEN:**

1. SMT. SUREKHA W/O. BAJIRAO KILLEDAR
   AGE: 52 YEARS, OCC: HOUSEHOLD,

2. SHRI. SATISH S/O. BAJIRAO KILLEDAR,
   AGE: 28 YEARS, OCC: COOLIE,

3. KUMARI SHRUTIKA D/O. BAJIRAO KILLEDAR,
   AGE: 26 YEARS, OCC: HOUSEHOLD,

4. SMT. GOURABAI W/O. SHIVAPPA KILLEDAR,
   AGE: 73 YEARS, OCC: HOUSEHOLD,

   ALL ARE R/O SHENDUR
   TQ: CHIKODI, DIST: BELAGAVI 591237.

...APPELLANTS

(BY SRI. HARISH S. MAIGUR, ADVOCATE)

**AND:**

MOHANKUMAR B SHELAR
Digitally signed by MOHANKUMAR B SHELAR
Date: 2025.09.12 16:37:41 +0530

1. SMT. SONALI W/O. TUSHAR JADHAV
   AGE: MAJOR, OCC: TRANSPORT BUSINESS,
   R/O: GUMATMALA, KAPIL,
   TQ: KARAD, DIST: SATARA,
   MAHARASHTRA STATE 415124.

2. THE DIVISIONAL MANAGER
   IFFCO TOKIO GENERAL INSURANCE CO. LTD.,
   SHIKSHAK BHAVAN, 1ST FLOOR,
   COLLEGE ROAD, BELAGAVI 590001.

...RESPONDENTS

(BY SRI. M.Y.KATAGI, ADVOCATE FOR R2;
R1-SERVED)

THIS MFA FILED UNDER SECTION 30(1) OF E.C.ACT., PRAYING TO ENHANCE THE COMPENSATION BY MODIFYING THE JUDGMENT AND AWARD PASSED BY SENIOR CIVIL JUDGE AND MACT, AT NIPPANI, IN E.C.A. NO.1/2020, DATED 28.12.2022, BY ALLOWING THIS APPEAL WITH COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR FINAL HEARING THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

**ORAL JUDGMENT**

This Appeal is filed under Section 30(1) of the Employees Compensation Act, 1923 (hereinafter referred to as 'the Act,' for short) by the petitioners, challenging the judgment and award dated 28.12.2022 passed in ECA No.1/2020 by the learned Senior Civil Judge and MACT, Nippani.

2. This appeal is filed only on a limited ground that the Tribunal while allowing the claim petition has awarded the interest of 6% p.a. from the date of the petition till the date of deposit.

3. Learned counsel for the petitioners submits that the Tribunal should have granted an interest at the rate of

12% p.a. after one month from the date of the accident. The tribunal has committed an error in granting an interest at the rate of 6% p.a. from the date of petition till its deposit. Accordingly, prays to allow the appeal.

4. Learned counsel for the Insurance Company submits that the Tribunal has committed an error in awarding the interest at the rate of 6% p.a. from the date of petition till the date of deposit. Learned counsel fairly concedes that the judgment and award passed by the Tribunal requires to be modified. Accordingly, prays to dispose of the appeal.

5. This court vide order dated 28.08.2025 admitted the appeal to consider the following substantial question of law.

> *"Whether the Commissioner for Workmen's Compensation is justified in awarding interest at the rate of 6% p.a. as against 12% p.a. and from the date of petition instead of 11.01.2020?"*

***Reg. Substantial Question Of Law:***

6. It is not in dispute regarding the death of Bajirao Shivappa Killedar. He died during the course, and out of the employment. The legal representatives have filed a claim petition under Section 22 of the Act. The Tribunal after recording the evidence, allowed the claim petition in part with costs vide judgment dated 28.12.2022. However, while awarding the compensation, granted the interest at the rate of 6% p.a. from the date of the petition till the date of deposit.

7. As per Section 4A(3)(a) of the Act, the interest is to be awarded at the rate of 12% p.a. or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified, and the interest starts after one month from the date of the accident. Thus, the petitioners are entitled to an interest at the rate of 12% p.a. after one month from the date of the accident, and not from the date of petition. In view of the above discussion, I answer the substantial question of law in the negative**.**

8. Accordingly, I proceed to pass the following:

ORDER

i) The Appeal is partly allowed.

ii) The judgment and award judgment and award dated 28.12.2022 passed in ECA No.1/2020 by the learned Senior Civil Judge and MACT, Nippani, is hereby modified.

iii) The petitioners are entitled to a compensation of Rs.11,48,175/- with interest at the date of 12% p.a. after one month from the date of the accident.

iv) The Tribunal records, and the amount in deposit, if any, be transmitted to the concerned Tribunal, forthwith.

**Sd/-**
**(ASHOK S. KINAGI)**
**JUDGE**

MBS
CT:ANB
List No.: 1 Sl No.: 17