

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**DATED THIS THE 23<sup>RD</sup> DAY OF MAY 2012**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.G.RAMESH**

Miscellaneous First Appeal No.9744 of 2010

**BETWEEN:**

BAJAJ ALLIANZ GENERAL INSURANCE  
CO.LTD., G.E. PLAZA, AIRPORT  
ROAD, YERAWADA, PUNE 411 006  
NOW REPRESENTED BY  
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.  
# 31, GROUND FLOOR, TBR TOWER  
I CROSS, NEW MISSION ROAD  
ADJACENT TO JAIN COLLEGE  
& BANGALORE STOCK EXCHANGE  
BANGALORE 560 027

... APPELLANT

(BY SRI B PRADEEP FOR  
SRI A N KRISHNA SWAMY, ADVOCATES)

**AND:**

- 1 SMT. DEVAMMA W/O PAPANNA @ SIDDEGOWDA  
AGED ABOUT 47 EYARS  
R/AT CHAMANAHALLI VILLAGE  
BANNUR HOBLI  
T N TALUK MYSORE DISTRICT
- 2 PAPANNA @ SIDDEGOWDA S/O KADEGOWDA  
NOW AGED ABOUT 52 YEARS  
R/AT CHAMANAHALLI VILLAGE,  
BANNUR HOBLI, T N TALUK  
MYSORE DISTRICT
- 3 NAGARAJU S/O LINGEGOWDA B  
MAJOR  
R/O HUNARAGAHALLI VILLAGE

T NARASIPURA TALUK  
MYSORE DISTRICT

... RESPONDENTS

(BY SRI R PRAMOD, ADVOCATE FOR R1 & 2;  
R3 SERVED)

THIS MFA IS FILED U/S 30(1) OF W.C. ACT AGAINST THE JUDGMENT DATED:21.07.2010 PASSED IN WCA/FC/CR-33/2008 ON THE FILE OF THE LABOUR OFFICER AND COMMISSIONER FOR WORKMEN'S COMPENSATION, MYSORE DISTRICT, MYSORE, AWARDING A COMPENSATION OF Rs.3,82,323/-.

THIS MFA COMING ON FOR ADMISSION, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

**J U D G M E N T**

**H.G.RAMESH, J. (Oral):**

This appeal by the Bajaj Allianz General Insurance Company Limited is directed against the judgment dated 21.07.2010 passed by the Court of the Commissioner for Workmen's Compensation, Mysore District, Mysore in case no.WCA/FC/CR-33/2008. By the impugned judgment, the Commissioner has awarded a compensation of Rs.3,82,323/- with interest thereon at 7.5% from the date of the claim petition and @ 12% after 30 days from the date of the judgment making the appellant/insurer liable to pay the award amount. The aforesaid compensation was granted by the



Commissioner for the death of one Siddaraju in a motor vehicle accident that occurred on 06.08.2008 while he was driving the insured goods autorickshaw bearing registration No.KA-09/A 6137.

2. I have heard the learned counsel appearing for the appellant/Insurance Company and perused the impugned judgment.

3. The sole contention urged by the learned counsel for the appellant is that there was no relationship of employer and employee between the deceased and the insured. However, he fairly submits that the insured has admitted in his written statement that the deceased was his driver. He was not able to refer to any evidence to show that the deceased was not the employer of the Insured. On the facts of the case, in my opinion, the finding recorded by the Commissioner that there was employer and employee relationship cannot be said to be erroneous. I find no legal infirmity in the impugned



judgment to warrant interference. No ground to admit the appeal. The appeal is accordingly dismissed.

The amount lying in deposit with this Court shall be transferred to the Court of the Commissioner for Workmen's Compensation, Mysore District, Mysore, forthwith.

***Appeal dismissed.***

Sd/-  
JUDGE

hkh/ata.