

Karnataka High Court

Hubli Electricity Supplies Co Ltd vs Kum Barathi Dirgappa Patil on 2 April, 2009

Author: Ravi Malimath

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DUBLI - IARWM3 A 7 % "

DATED THIS THE 2ND DAY OF APRIL: _ J H

BEFORE A % ',
THE HONBLE MR. JUSTICE "S2Av1k
M.F'.A.NO. 1 132A4/[2005 ['wc:A;'
BETWEEN:

2. HUBLI ELECTRICITY SUPPLIES CO. LTD.
DIVISIONAL OFFICE, 'Q&__M._, * *
NEERU NAGAR, ;_BELG-AUMFI _ .

BY

I

2. M/s. V. KARNATAKA POWER TRANSMISSION
CORP- 'QRVATE{)N' Am3, A CORPORATE OFFICE
; 'CAUVERY ESHAVAN,
~ K; .__ () .R_OAD; "BA.Ix¥()A[,ORE 560009,
, REPRESENTED BY rrs
" - TAGENER MANAGER (A 3: HRD) .. . PETITIONERS

'(By's;~1. &: c.K.SUBRAMANY, ADV.)

5" " AXKSA1 BARATHI DIRGAPPA PATEL
..BAf3~EWADI CHOWLA

SHANIVARA KOOTTA

"BEL()AUM RESPONDENT

(By Sri. LOKESH MALAVALLI, ADV.) £ rs"

THIS MFAIS FILED U/S. 30(1) OF THE WORKMEN'S COMPENSATION ACT, AGAINST THE
JUDGMENT AND ORDER DATED 5.10.2005 PASSED IN WCAISR/79104 ON THE FILE OF THE
LABOUR OFFICER AND COMMISSIONER FOR WORKMENS COMPENSATION, DIVISION 4,
BELGAUM, AWARDED COMPENSATION OF RS. 3,30,413/- AND DIRECTING
APPELLANT TO DEPOSIT THE SAME.

THIS MFA COMING ON FOR RECONSIDERATION, THE COURT MADE THE
FOLLOWING: -

JUDGMENT: This is an appeal being 5-13 of 2005. It is awarded by the Commission if A-fer .
's Compensation in wcA/ s:2;79;2004, dated 6.10.2005. Sri. V. I. - ijunath, learned Counsel

appearing contend that the impugned Order is in_«1éi§*}{_ is liable to be set aside. He contends that is no injury sustained by the deceased in the course Of her employment and hence, no compensation ' be awarded to her. In partimiler, he refers to Exhibit R-2. Exhibit R-2 is the letter written by the doctor

doctor to {the appellant in_inating the medical given to the deceased and to say that she her death on 22.2.2004. Placing' 1'el.i.r;11fl<:e_ronV:vP3§eRle2 the J j appelian_ Counsel contends, deceased suffer the injuries sustained_ay her i'.!1é_='Vof heg- empioyztent, but _e_ death edge l:o""t;:1l:}erc1_1losis. Hence, he contends that order calls for interference. ' 1 _ e 2 * 35, l .;l:ifé'jr'5l"lTe" -- V §ri.MahaI1tesl'1, learned Judge appellant and Sri.Lokesh l\IaV1a_V1val'li',"~» V_"1e3;.:3:1ed' appearing for the respondent.

learned Counsel for the appellant had H " in order to explore the possibility of settlement. But, however, he submits that no 2 2' settlement could be arrived at and would therefore plead in merits.

WC appellants to discard the claim of the contrary evidence let in by them.

6. The Commissioner.-iwhile --eon4sid.ering,j'«. the ' case of the claimants has", referred' ___to. s. documentation produced' the the' respondents in coming. to his" eenehlsion. "Reljence was also placed on Ex.P..'3 J establish the fact that the claimant bleed.in"gi"the nose and was treated " doctor. No where in the evidence has' that the bleeding from the nose " or severe" headache was not due to the injury it as a result of tuberculosis. Even otherwise, issued by the doctor states that the patient had died due to septicemia. V H 7. On hearing both the learned Counsel, I am of the considered View that the Commissioner has not committed any error in passing the order, which calls for interference. No grounds whatsoever have been 44"

made out by the appellants to seek interference this 001111.

8. For the reasons aforesaid, devoid of merits is rejected. No' costs, The amount in deposit'._t5efere Unsubmitted to the Court:13:e1"issioVhr1er_V "Vie? a"WVei'i'<1}1en'VsV Compensation """, Sub*