

Karnataka High Court

The New India Assurance Co Ltd vs Julekabi on 3 November, 2008

Author: H.G.Ramesh

1 MFA NO.5656/ 2%6

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CIRCUET BENCH AT DI-{ARWAD
DATED THES THE 32» DAY OF NOVEMBER, 2008 H
BEFORE V
THE HONBLE MR JUSTECE 1~1.G.RAM\$5\$~;-...: V'
MISCELLANEOUS FIRST APPEAL;'Nç.'5e5\$;£2oQ5fwé;;;
BETWEEN: " V'
THE NEW INDIA ASSURANCE cc:-;TV_z;':?:3.,
HUBLI, BY yrs REGIONAL oF1:':cE,~--._ "
2-B, UNITY BUILDING ANNEXE, _
P.KALiNGA RAD RoAD{M:ss;oN R5;'»'.9;%_','--

BANGALORE 550 027, '
REPRESENTED BY ITS

REGIoNAVL%Mai\$5;\$EEi;[;;; A' ..APPELLAN'I'

(BY SR1 f%AVI G. SEE P.B.RAJU, ADVS.}

AND:

w ,,1. s._:vI'i? J:\$LE-\$31; 14 »

* «wjo SR': BASHASAB OLEKAR'
' ,AG.EI)» ABOUT 35 YEARS,

I-.2{ _E1SI'DEN_T"OF.RAMA?URA,
=I\$~I1';.?,BLE *;;:n,. '1;.\$Ji~;;; " "

V .2. sé':~AE.1f2UL,"\$4UNAIv,

SIC? SRI'[.ISMAILSAB UPPIN,
..QWNEE' OF GODS RIKSHAW
E\$E2'~E RING REG. NO,KA~31~31?«4

" ';<«2....L';.<::,-.n::>\$:z~r1' op' BHADRAPURA,

POST', MUNDAGODA TALUK. .. R'ESF"'€}NDEN'FS

"gm SRE DINESH MKULKARNE, FOR Ra. sgrmca TO R1 HELD
4. 'SUFF'I{}IEN'I'}

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 30(1) OF' W33. ACT AGAINST THE JUDGMENT AND
CERDER' DATED 2'?,Q.'2{)06 PASSES in WCA:Nf:20:2005 ON THE
FILE} OF THE LABOUR OFFICER AND COMMISIQNER FQR

2 MFA NF).5656/ 2906

WORKMENB COMPENSATION I-EUBLI SUB-DIViSiON~I HUBLI,
AWARDING COMPENSATION OF' RS.48,808/- WITH INTEREST
AT 12% RA. FROM 17.2.2005 TILL XDEPQSIT AND DIRECTING
THE APPELLANT HEREEN TO DEPOSIT THE SAME,

THES MISCELLANEOUS FIRST APPEAL COMING ON
HEARING - THIS DAY, THE COURT It>E;..lvI:r~_2i::1::a-.;_.
FOLLOWING: " .. '

JUDGMENT

This appeal by the against the Judgment dated /2055 % Court of Work;men'sV (itinimisegioner, Hubli. By the impugnea has aWardedA':A'"aj"~~of ='§Rs.48,808/~ for the injuries SufE'çreri V' 3 moior accident that occurred on: 1?/0 1 /2:505; « new the learned counsel for the the impugned judgment; and the Vrecorci" o.f*" ;t11e Commissioner for Workmexfs K The claim was resisted by the apigéiia□-Insurance Company on the grozztnd that there W ho employer----employee relationship between the '4 kzclaimant and the insured. my J 1V.li'T"l iV\}ux3KJyi\}f £4-\i\iiJ

3. The sole contention urged by the learned counsel fer the appellant iS that there was no employep employee relationship between the claimant respondent No.2 and hence the Commissioner ~ in law in making the insurance company T' award. The eiaimant had on éeatee T Workzing as a hamali on the vehicle qties□bii V date of the accident. This disputed by the employei;":««It _state the employer did not even made by it 4' "Commissioner that the claimant Wasworitirgg as employee under respondent J 'N{__).2 the date'ef«the accident is based on the oral iemgiice noneemal of the said fact by the i empie§}er.V. I' no error in the said □hding to warrant " ' »- ' 4. _ ieterfereiee in appeal. 32%/V 4 MFA 346.5656] Qms

5. The amount lying in deposit with this Court shall be transferred to the Worlmerfs Commissioner for disburse} to me _ : _ accordance with iaw. J > Appeal dismissed.

Kmv