

IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH

DATED THIS THE 18TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE [REDACTED]

REGULAR SECOND APPEAL NOS. 200403-200406 OF 2018 (MON)

APPELLANTS: [REDACTED GOVERNMENT AUTHORITIES & OFFICIALS]

RESPONDENTS: [REDACTED INDIVIDUAL NAMES], RESIDENTS OF RAICHUR DISTRICT.

JUDGMENT:

1. These four appeals arise out of a common judgment of the II Additional Senior Civil Judge and JMFC, Raichur, concerning claims for compensation relating to the unfortunate deaths of four children who drowned in a Krishi Honda on 21.07.2007. The plaintiffs contended that the incident occurred due to negligence of the authorities in failing to maintain the site with adequate safety measures.

2. The trial court decreed the suits, awarding compensation of Rs. 2,50,000/- with 6% interest per annum. The appellate court dismissed the appeals, affirming the trial court's findings.

3. The defendants contended before this Court that the suits were barred by limitation under Article 82 of the Limitation Act, which prescribes a two-year limit for claims under the Fatal Accidents Act, 1855. The plaintiffs/respondents argued that their suits were not under the Fatal Accidents Act but filed under Section 9 of the CPC, hence governed by the residuary Article 113, providing a three-year limitation period.

4. Relying on precedent, including Division Bench rulings and the Hon'ble Supreme Court, this Court held that Article 113 applies in such cases where compensation is claimed under common law/tort and not under the Fatal Accidents Act.

5. Consequently, the suits were filed within limitation, and the compensation awarded by the courts below was proper and justified.

ORDER: All four appeals are dismissed. The judgments and decrees of the trial and first appellate courts are affirmed.

----- Sd/- HON'BLE MR. JUSTICE [REDACTED]