



IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 17TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V.HOSMANI
CIVIL REVISION PETITION NO. 100066 OF 2022

BETWEEN:

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY, BELAGAVI.
REP. ITS DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY,
NAVANGAR, BAGALAKOTE,
THROUGH ITS REGIONAL OFFICE,
NATIONAL INSURANCE COMPANY,
ARIHANT PLAZA, 2ND FLOOR, KUSUGAL ROAD,
HUBBALLI, THROUGH ITS ASST. MANAGER.

...PETITIONER

(BY SRI NR KUPPELUR, ADVOCATE)

AND:

1. SMT. GEETAWWA
W/O MAHAGUNDAPPA BUDIHAL @ HULGERI,
AGE. 40 YEARS, OCC. HOUSEHOLD WORK,
2. HANUMAPPA @ HANUMANT
S/O MAHAGUNDAPPA BUDIHAL @ HULGERI,
AGE. 18 YEARS, OCC. HOUSEHOLD WORK,
3. MALLAWWA W/O KANAKAPPA BUDIHAL @ HULGERI,
AGE. 73 YEARS, OCC. HOUSEHOLD,
ALL ARE RESIDENTS OF NANDIKESHWARA,
TQ. BADAMI, DIST. BAGALKOT-580078.

...RESPONDENTS

(NOTICE TO R1 & R2-SERVED; R3-DISMISSED AS ABATED)

THIS CIVIL REVISION PETITION IS FILED UNDER SECTION 115 OF CPC, 1908, PRAYING TO CALL FOR THE RECORDS IN EP NO.17/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, BAGALKOTE AND SET ASIDE THE IMPUGNED ORDER DATED 16.02.2022 BY ALLOWING THIS CIVIL REVISION PETITION IN THE INTEREST OF JUSTICE AND EQUITY & ETC.





THIS CRP COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER

Challenging order dated 16.02.2022 passed by Senior Civil Judge and J.M.F.C., Bagalkot in Execution Case no.17/2017 allowing memo of calculation filed by respondents herein, this revision petition is filed.

2. Sri Nagangounda R Kuppelur, learned counsel for petitioner submitted that revision was by Judgment Debtor ('**JDr**', for short) in an execution petition filed by respondents – Decree Holders ('**DHrs**', for short) for execution of award dated 04.10.2007 passed by Commissioner for Workmen's Compensation, Bagalkote in WC.no.131/2005. It was submitted, claim petition filed under provisions of Workmen's Compensation Act, 1923 ('**WC Act**', for short) in WC.no.131/2005, wherein DHRs were awarded compensation of Rs.3,20,355/- with interest at rate of 12% per annum from 04.10.2007. Said award was challenged by JDr before this Court in MFA.no.14048/2007 in which JDr had deposited award amount with interest, but appeal came to be dismissed on 13.01.2017 and amount deposited with



interest accrued was transmitted on 15.05.2017. Thereafter on 29.08.2018, JDr made further deposit of Rs.36,757/- which according to, it was difference in interest amount. However on 06.09.2018, DHrs filed memo of calculation in Execution Case, claiming that JDr was due a further sum of Rs.1,43,297/-. Though said memo of calculation was opposed by JDr, after securing calculation of balance amount from its registry, Executing Court passed impugned order directing JDr to pay balance amount of Rs.2,18,055/-. Aggrieved thereby, this petition is filed.

3. Main ground urged against impugned order was that award amount was deposited by JDr before this court in appeal. On dismissal of appeal, amount was transmitted with interest accrued. Therefore, JDr would not be liable to pay interest, since it was already deposited and balance amount was also deposited. Thus, award was satisfied and Executing Court was not justified in passing impugned order. On said ground sought for allowing revision.



4. It is seen that while DHrs.no.1 and 2 are served unrepresented, revision petition is dismissed as abated against DHr.no.3 and no steps are taken.

5. Heard learned counsel, perused impugned order and material placed on record.

6. This revision is filed under Section 115 of Code of Civil Procedure, 1908 ('**CPC**' for short) by JDr against order passed by Executing Court. At outset, learned counsel for petitioner was called upon to establish maintainability of revision in view of proviso to Section 115 of CPC barring revision, except against orders, if reversed and passed in favour of revision petitioner would finally conclude proceedings. Even on merits also his attention was drawn to provisions of Order XXI Rules 1 and 2 of CPC regarding formalities to be complied at time of making deposit of decretal amount. Admittedly, there are no pleadings or material on record to establish that deposit was under intimation of DHrs. Unilateral deposit, without complying with provisions of Order XXI Rule 1 of CPC, would not arrest interest from continuing to accrue.



7. Apart from above, there is no specific order passed by this Court while dismissing insurer's appeal against award. Consequently, interest would continue to accrue from date of award till amount is received by Executing Court, which is on 15.05.2017. While passing impugned order Executing Court has noted same as well as subsequent payment of Rs.36,757/- made on 29.08.2018. Normal mode of appropriation would be to calculate award with interest upto date of payment and consider amount first towards interest accrued and thereafter adjust balance against principal. The balance amount would continue to earn interest till next deposit or till satisfying of entire award.

8. While passing impugned order, Executing Court has followed said method and held JDr liable to pay amount. No material irregularity can be found with same nor Executing Court cannot be contended to have failed to exercise jurisdiction vested or exercised jurisdiction not vested in it. Thus there are no grounds to entertain revision. Revision petition is ***dismissed***.

**Sd/-
(RAVI V.HOSMANI)
JUDGE**