



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 297 of 2026

CNR No. ODHHC010194112026

***The Divisional Manager, M/s
Oriental Insurance Co. Ltd.,
Balasore***

Appellant
Mr. N.B. Das, Advocate

-versus-

Parbati Lenka & Ors.

Respondents
Mr. D. Patnaik, Advocate
(Respondent Nos. 1 & 2)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER

28.08.2026

Order No. 02 **I.A. No. 420 of 2026**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. Even though notice of the appeal has not yet been issued along with the application for condonation of delay, but since it is contended that the matter has been settled in between the Parties, this Court is inclined to take up the I.A. in absence of Owner-Respondent No. 3.
4. Having heard learned counsel appearing for the Parties and considering the submission made, this Court is inclined to condone the delay in filing the appeal.
5. I.A. accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

03. FAO No. 297 of 2026

1. Heard learned counsel appearing for the Parties.



2. This appeal has been filed *inter alia* challenging the award passed by the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Jajpur in E.C. Case No.12 of 2018 vide judgment dtd.25.11.2025. Vide the said judgment, learned Commissioner held the Claimants-Respondent Nos. 1 & 2 entitled to get compensation amount of Rs.16,17,176/-.

3. In support of the appeal, learned counsel for the Appellant contended that while assessing the award, the learned Commissioner did not take into consideration the FIR lodged as well as the charge-sheet, where it was clearly proved that the deceased was never a driver in the offending vehicle and only to grab the public money, this claim application was filed.

3.1. It is also contended that even if the Owner-Respondent No. 3 has not adduced any evidence showing that the deceased was working under him, but basing on the written statement given by the Owner that the deceased was working under him, the learned Commissioner wrongly passed the award by accepting the employee-employer relationship, which is not sustainable in the eye of law and requires interference of this Court.

3.2. It is accordingly contended that had the learned Commissioner would have appreciated the contentions so raised by the Appellant, compensation would have been assessed at a lower side. Making all these submissions, learned counsel for the Appellant contended that the impugned award needs interference of this Court.

4. Even though Mr. D. Patnaik, learned counsel appearing on behalf of Respondent Nos.1 & 2 supported the impugned judgment, but contended that Claimants-Respondent Nos. 1 & 2 will be fully



satisfied, if this Court will allow compensation amount of Rs.15,00,000/- consolidated along with accrued interest on the compensation amount, if any.

5. To the aforesaid submissions of the learned counsel for the Claimants-Respondent Nos.1 & 2, learned counsel for the Appellant leave the same to the discretion of this Court.

6. Having heard learned counsel for the Parties and considering the submissions made, this Court while interfering with the impugned judgment, held the Claimants-Respondent Nos. 1 & 2 entitled to get compensation amount of Rs.15,00,000/- consolidated. While holding so, this Court directs learned Commissioner to release an amount of Rs.15,00,000/- consolidated in favour of the Claimants-Respondent Nos. 1& 2 within a period of 4 (four) weeks from the date of receipt of this order along with accrued interest on such amount, if any. The balance amount along with accrued interest, if any, be released in favour of the Appellant-Company from the date of deposit till disbursement.

7. The appeal accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Sneha

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Sep-2026 10:48:20

