

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.8 of 2022

Senior Divisional Manager(Legal), Appellant
M/s.Oriental Insurance Co.Ltd.

Mr.P.K.Mahali, Advocate

-versus-

Runa Rani Rout and others Respondents
Mr.P.K.Mishra, Advocate for Respondents 1 to 4

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.4.2022

Order No.

2.

1. Heard Mr.Mahali, learned counsel for the Appellant and Mr.Mishra, learned counsel for Respondents 1 to 4.

2. Present appeal by the Insurer is directed against impugned judgment/award dated 30th November, 2021 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack in E.C.Case No.8-D/2018, wherein compensation to the tune of Rs.11,83,070/- has been granted on account of death of the deceased in course of his employment as driver of Truck bearing Registration no.OR-04-H-0885.

3. It is submitted on behalf of the Appellant that since the deceased was not authorized to drive heavy goods vehicle and his D.L. is in respect of LMV transport vehicle, the Insurer is not liable to pay compensation for violation of policy condition. The contention of the Appellant is rejected for the reason that once the

deceased is authorized to drive a transport vehicle he can drive all such vehicles including heavy goods carriage vehicle.

4. Next coming to the question of quantum of compensation, considering the income aspect of the deceased, a reduced compensation of Rs.7,25,000/- (Seven lakhs twenty five thousand) consolidated is proposed to the parties in course of hearing. The same is agreed by Mr.Mishra, learned counsel for the claimant-Respondent Nos.1 to 4. Mr. Mahali, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

5. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of Rs.7,25,000/- (Seven lakhs twenty five thousand) with proportionate accrued interest thereof in favour of the claimants within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant.

6. The appeal is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge