

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.409 of 2014

Divisional Manager, M/s.New India Assurance Co. Ltd. ***Appellant***

Mr. N.S. Ghose, Advocate

-versus-

Punia Behera and another ***Respondents***
Mr. P.K. Mishra, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.09.2022

Order No.

06.

1. Heard Mr. N.S. Ghose, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment and award dated 19.05.2014 passed in W.C. Case No.94/2001 by the Commissioner for Employee's Compensation-cum-Asst. Labour Commissioner, Berhampur, Ganjam wherein compensation to the tune of Rs.9,25,919/- including interest has been granted to the claimant-Respondent No.1 on account of death of the deceased in course of and arising out of the employment as the helper in the Truck bearing Registration No.OR-07-D-6591 belonging to Respondent No.2.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.6,00,000/- (Rupees Six Lakhs) consolidated is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the

claimant-Respondent No.1 agrees to the same and Mr. N.S. Ghose, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. At this stage, it is submitted that the Appellant has only deposited an amount of Rs.3,65,976/- before the Commissioner, which in the meantime has been disbursed in favour of the claimant.

5. Accordingly, the Appellant-Insurance Company is directed to deposit the balance amount of Rs.2,34,024/- within a period of eight weeks from today, which shall be disbursed in favour of the claimant-Respondent No.1.

6. With aforesaid modification of the award, the FAO is disposed of.

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

(B.P. Routray)
Judge