

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.22 of 2022

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

Mr. S.K. Sarangi, Advocate

-versus-

Manoj Bhoi and others ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent Nos.1 & 2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
03.03.2022

Order No.

01.

1. Heard Mr. S.K. Sarangi, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 & 2.

2. Present appeal by the insurer is directed against the judgment and award dated 8.11.2021 passed in E.C. Case No.386-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.12,95,898/- has been granted to the claimant-Respondent No.1 on account of injury sustained by him in course of and arising out of the employment as a helper in the Truck bearing Registration No.OR-02-AZ-6820.

3. It is submitted on behalf of the Appellant that though the relationship of the employee and employer was disputed, learned Commissioner ignoring the same proceeded to award the

compensation amount by taking income of the injured at Rs.7,000/- on higher side and loss of earning capacity to the extent of 100%.

4. In course of hearing, a reduced compensation of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand) consolidated is proposed to the parties. Mr. P.K. Mishra, learned counsel for the claimants- Respondent Nos.1 & 2 agrees to the same and Mr. S.K. Sarangi, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

5. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.7,50,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 within a period of eight weeks from today and the balance amount along with proportionate accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application.

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