

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.30 of 2022

Divisional Manager, The New India Assurance Co. Ltd. ***Appellant***

Mr. B. Dasmohapatra, Advocate

-versus-

Satrughna Swain and others ***Respondents***

Mr. K. Panigrahi, Advocate for Respondent Nos.1 to 4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
03.03.2022

Order No.

01.

1. Heard Mr. B. Dasmohapatra, learned counsel for the Appellant-Insurance Company as well as Mr. K. Panigrahi, learned counsel for the claimants-Respondent Nos.1 to 4.

2. Present appeal by the insurer is directed against the judgment and award dated 29.11.2021 passed in E.C. Case No.294-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.8,79,738/- has been granted to the claimants-Respondent Nos.1 to 4 on account of death of the deceased in course of and arising out of the employment as a helper in the Truck bearing Registration No.OIC-9813.

3. It is submitted on behalf of the Appellant that despite dispute with regard to employee and employer relationship and in absence of proper proof of the accident, learned Commissioner

has granted compensation taking monthly income of the deceased at higher side.

4. In course of hearing, a reduced compensation of Rs.6,25,000/- (Rupees Six Lakhs Twenty-Five Thousand) consolidated is proposed to the parties. Mr. K. Panigrahi, learned counsel for the claimants-Respondent Nos.1 to 4 agrees to the same and Mr. B. Dasmohapatra, 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.6,25,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 to 4 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