

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.223 of 2018

***Divisional Manager, M/s. Oriental
Insurance Company Ltd.***

.... ***Appellant***

Ms. Prativa Mishra, Advocate

-versus-

Shantilata Sahoo and Others

.... ***Respondents***

Mr. S.K. Bhanjadeo, counsel for claimant – Respondents 1, 2&4

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
17.02.2022

Order No.

09. 1. Heard Ms. P. Mishra, learned counsel for the insurer-Appellant and Mr. S.K. Bhanjadeo, learned counsel for the claimant – Respondents.
2. Present appeal by the insurer is directed against award dated 14th November, 2017 of the learned Commissioner for Employee's Compensation-cum-Assistant Labour Commissioner, Odisha, Bhubaneswar in E.C. Case No.208 of 2007 wherein compensation to the tune of Rs.3,11,970/- has been awarded on account of death of the deceased who was working as helper of the bus bearing Registration No.OR 02 X 4199.
3. It is submitted on behalf of the Appellant that no employer – employee relationship was there with the deceased in respect of the

bus in question and as such, the insurer is not liable to indemnify the compensation amount.

4. Upon hearing both parties and perusal of the impugned award, it reveals that the owner – Opposite Party No.1 (present Respondent No.5) has admitted the employment of the deceased in respect of the vehicle in question as well as the accident resulting his death. Accordingly no merit is seen in the contention of the appellant to discard the relationship of the deceased with the employer –O.P. No.1.

5. In the result the appeal is dismissed.

6. Since the entire compensation amount has already been deposited before the learned Commissioner, the same along with accrued interest thereof be disbursed in favour of the claimant – Respondents within a period of two months from today.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge