

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.15 of 2021

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

Mr. B.C. Singh, Advocate

-versus-

Sukura Tiria and another *Respondents*

Mr. R.P. Bhagat, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
10.03.2022

Order No.

I.A. No.251 of 2021

04.

1. In view of the Office note, the I.A. is disposed of.

FAO No.15 of 2021

2. Heard Mr. B.C. Singh, learned counsel for the Appellant-Insurance Company as well as Mr. R.P. Bhagat, learned counsel for the claimant-Respondent No.1.

3. Present appeal by the insurer is directed against the judgment and award dated 06.11.2020 passed in E.C. Case No.323-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.9,74,914/- has been granted to the claimant-Respondent No.1 on account of injury sustained by the claimant in course of and arising out of the employment as driver in the Truck bearing Registration No.OR-09-F-7915.

4. It is submitted on behalf of the Appellant that the learned Commissioner while determining the compensation has calculated the income of the injured-claimant on higher side as well as consequent loss of earning capacity on higher account.

5. In course of hearing, a reduced compensation of Rs.8,40,000/- (Rupees Eight Lakhs Forty Thousand) consolidated is proposed to the parties. Mr. R.P. Bhagat, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. B.C. Singh, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.8,40,000/- 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.

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

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

(B.P. Routray)
Judge