

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.55 of 2022

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

Mr. S. Satapathy, Advocate

-versus-

Kailash @Kailash Chandra Behera and another *Respondents*

Mr. D. Patnaik, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
13.04.2022

Order No.

I.A. No.92 of 2022

01.

1. For no delay is there as per the SR, the I.A. is disposed of.

I.A. No.52/2022 & I.A. No.121/2022

2. Since the amount has already been deposited before the learned Commissioner, both the I.As. are disposed of.

FAO No.55 of 2022

3. Heard Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company and Mr. D. Patnaik, learned counsel for the Respondent No.1-claimant.

4. Present appeal by the insurer is directed against the judgment and award dated 20.09.2021 passed in E.C. Case No.46-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.11,33,935/- 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 while serving as a driver in the Car bearing Registration No.OD-02-AD-1827.

5. Having heard both the parties and considering the grounds advanced, a reduced compensation of Rs.7,00,000/- (Rupees Seven Lakhs) consolidated is proposed to the parties in course of hearing. Mr. D. Patnaik, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. S. Satapathy, 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.7,00,000/- 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