

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.294 of 2020

Divisional Manager, National Insurance Company Ltd. ***Appellant***

Mr. S. Satapathy, Advocate

-versus-

Smt. Gita Jena and others ***Respondents***

Mr. B.B. Singh, Advocate for Respondent Nos.1, 3, 4 & 5

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
22.03.2022

Order No.

06.

1. Heard Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company as well as Mr. B.B. Singh, learned counsel for the Respondent Nos.1, 3, 4 & 5-claimants.

2. Present appeal by the insurer is directed against the judgment and award dated 18.12.2019 passed in E.C. Case No.32/2008 by the Commissioner for Employee's Compensation and Divisional Labour Commissioner, Balasore wherein compensation to the tune of Rs.1,95,085/- has been granted to the claimants-Respondent Nos.1 to 5 on account of death of the deceased in course of and arising out of the employment as a helper in Truck bearing Registration No.OAC-9631.

3. Having heard both the parties and considering the grounds advanced, a reduced compensation of Rs.1,80,000/- (Rupees One Lakh Eighty Thousand) consolidated is proposed to the parties in

course of hearing. Mr. B.B. Singh, learned counsel for the claimants-Respondent Nos.1, 3, 4 & 5 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.

4. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.1,80,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1, 3, 4 & 5 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. The amount shall be disbursed to the claimants except Respondent No.2-Smt. Basanti Jena, who has been deleted by order dated 03.01.2022 of this Court.

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

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

(B.P. Routray)
Judge