

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.327 of 2020

Divisional Manager, Oriental Insurance Co. Ltd. ***Appellant***

Mr. P.K. Mahali, Advocate

-versus-

Sek. Zahir Uddin@Sek Zahir Mohammad and another ***Respondents***

Mr. K. Panigrahi, Advocate for Respondent No.1

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
15.03.2022**

**Order No.
06.**

1. Heard Mr. P.K. Mahali, learned counsel for the Appellant-Insurance Company as well as Mr. K. Panigrahi, learned counsel for the claimant-Respondent No.1.
2. Present appeal by the insurer is directed against the judgment and award dated 28.11.2019 passed in E.C. Case No.458-D/2014 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack wherein compensation to the tune of Rs.16,87,048/- including interest 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 a driver in Bolero bearing Registration No.OD-05-B-0697.
3. Having heard both the parties and considering the grounds advanced, a reduced compensation of Rs.6,60,000/- (Rupees Six Lakhs Sixty Thousand) consolidated is proposed to the parties in

course of hearing. Mr. K. Panigrahi, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. P.K. Mahali, 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.6,60,000/- 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.

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