

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.131 of 2022

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

Mr. B.C. Singh, Advocate

-versus-

Jambeswar Khatua and another ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

28.07.2022

Order No.

02.

1. Heard Mr. B.C. Singh, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment and award dated 03.03.2022 passed in E.C. Case No.358/2014 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Bhubaneswar wherein compensation to the tune of Rs.7,17,696/- has been granted to the claimant-Respondent No.1 on account of injuries sustained in course of and arising out of the employment as a driver of the vehicle bearing Registration No.OR-04-D-8415 payable within thirty days, failing which the Insurance Company is liable to pay the interest @12% per annum from the date of accident till payment.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.5,00,000/-

(Rupees Five Lakhs) along with interest @12% per annum from the date of accident, i.e.11.11.2014 till date of deposit is proposed to the parties in course of hearing. Mr. P.K. Mishra, 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.

8. Since the entire award amount along with interest has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.5,00,000/- along with 12% interest from the date of accident i.e., 11.11.2014 till the date of deposit 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.

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

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

(B.P. Routray)
Judge