

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.141 of 2022

The Legal Manager, *Appellant*
M/s.Cholamandalam MS General
Insurance Company

Mr. G.P. Dutta, Advocate

-versus-

Sheela Chauhan and others *Respondents*
Mr. S. Sen, Advocate for Respondent Nos.1 to 6

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
21.07.2022

Order No.

I.A. No.401 of 2022

- 02.
1. Heard Mr. G.P. Dutta, learned counsel for the Appellant and Mr. S. Sen, learned counsel for the Respondent Nos.1 to 6.
 2. Upon hearing both the parties and considering the grounds mentioned in the petition, the delay in filing the appeal is condoned.
 3. The I.A. is disposed of.

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4. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. S. Sen, learned counsel for the Respondent Nos.1 to 6-claimants.
5. Present appeal by the insurer is directed against the judgment and award dated 23.12.2021 passed in E.C. Case No.190/2020 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune

of Rs.12,10,501/- including interest has been granted to the claimants-Respondent Nos.1 to 6 on account of death of the deceased in course of and arising out of the employment as the helper of Truck bearing Registration No.OD-01-P-8645.

6. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand) consolidated is proposed to the parties in course of hearing. Mr. S. Sen, learned counsel for the claimants-Respondent Nos.1 to 6 agrees to the same and Mr. G.P. Dutta, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

7. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.9,50,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 to 6 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.

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

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

(B.P. Routray)
Judge