

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.111 of 2015

New India Assurance Company Ltd. ***Appellant***
Mr.P.K.Mishra-1, Advocate

-versus-

Arakhita Jena and another ***Respondents***
Mr.P.K.Mishra, Advocate for Respondent No.1

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

ORDER
07.09.2022

Order No.

7.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Prasant Kumar Mishra-1, learned counsel for the Appellant and Mr.Pradip Kumar Mishra, learned counsel for claimant-Respondent No.1 as well as Mr.B.Singh, learned counsel for Respondent No.2-owner.
3. Present appeal by the Insurer is directed against impugned judgment/award dated 26th December, 2014 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Cuttack in W.C.Case No.521-D/2009, wherein compensation to the tune of Rs.4,34,650/- has been granted along with interest on account of injury sustained by the claimant in course of his employment as an operator of a

Power Tiller bearing engine no.11082097 and chassis No.12082222.

4. Mr.Prasanta Kumar Mishra-1, learned counsel for the Appellant mainly focuses his submission on the question of quantum of compensation without disputing the liability aspect in view of the orders passed by this Court in different other cases on similar circumstances.

5. Upon hearing all the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.3,50,000/- along with interest @12% from the date of accident is proposed to the parties in course of hearing. The same is agreed by Mr. Mishra, learned counsel for the claimant-Respondent No.1 and Mr. Singh, learned counsel for Respondent No.2. Mr. Prasanta Kumar Mishra-1, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

6. It is submitted by the parties that the principal amount has only been deposited before the Commissioner and no interest amount has yet been deposited. Accordingly, the Appellant-Insurer is directed to deposit the balance amount before the Commissioner within a period of two months from today by calculating the interest @12% per annum on the modified compensation amount from the date of accident till deposit, which shall be paid to the claimant-Respondent No.1.

7. The appeal is accordingly disposed of.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

C.R.Biswal

