

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.174 of 2022

***Legal Manager,
M/s.New India Assurance Co.Ltd.***

.... Appellant

Mr.S.K.Sarangi, Advocate

-versus-

Kartik Chandra Jena and another

.... Respondents

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

CORAM:

JUSTICE B. P. ROUTRAY

**ORDER
07.09.2022**

Order No.

3.

I.A.No.228 of 2022

1. The matter is taken up through Hybrid mode.
2. Since no delay is there as per the S.R., the I.A. is disposed of.

FAO No.174 of 2022

3. Heard Mr.Sarangi, learned counsel for the Insurer-Appellant and Mr.Mishra, learned Advocate for claimant-Respondent No.1.
4. Present appeal by the Insurer is directed against impugned judgment/award dated 5th January, 2022 passed by the Commissioner for Employee's Compensation-Cum-joint Labour Commissioner, Cuttack in E.C.Case No.354 D/2016, wherein compensation to the tune of Rs.13,55,050/-- has been granted on account of injuries sustained by the claimant in course of his employment as a driver of a Tipper bearing registration no.OR-05-F-8847.
5. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.5,00,000/-

consolidated is proposed to the parties in course of hearing. The same is agreed by Mr.Mishra, learned counsel for the claimant-Respondent No.1. Mr.Sarangi, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

6. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of Rs.5,00,000/-(Five lakhs) with proportionate accrued interest thereof in favour of the claimant within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant.

7. The appeal is accordingly disposed of.

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

(**B.P. Routray**)
Judge