

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**FAO No.577 of 2020**

***The Manager Legal, M/s. Oriental  
Insurance Company Ltd.***

.... ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

***Ganesh Bag and Another***

.... ***Respondents***

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

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

**ORDER**  
**27.10.2022**

**Order No.**

- 03.
1. The matter is taken up through hybrid mode.
  2. Heard Mr. G.P. Dutta, learned counsel for the Appellant – insurer and Mr. P.K. Mishra, learned counsel for claimant – Respondent No.1.
  3. Present appeal is directed against the impugned award dated 16<sup>th</sup> January, 2020 passed by the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack in E.C. Case No.332-D of 2017 wherein compensation to the tune of Rs.7,21,816/- including interest has been awarded on account of injuries sustained by the injured-claimant arising out of and in course of his employment as driver in the truck bearing registration number CG 04J 7756.

4. Mr. Dutta though contends that the policy has been cancelled prior to the date of accident, but no such plea was taken in that respect or evidence was adduced. Thus, such contention raised at this stage is not entertained and rejected.

5. With regard to quantum of compensation, considering all such grounds advanced, a consolidated sum of Rs.5,50,000/- is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – injured and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation is fixed to the said extent.

6. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.5,50,000/- (five lakh fifty thousand) along with accrued interest thereof be disbursed in favour of the claimant – Respondent No.1 within a period of two months from today. The rest amount along with proportionate accrued interest be refunded to the insurer – Appellant.

7. The appeal is disposed of.

8. An urgent certified copy of this order be issued as per rules.

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