

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**FAO No.207 of 2022**

***Divisional Manager, National  
Insurance Company Ltd.***

.... ***Appellant***

Mr. P.K. Mahali, Advocate

-versus-

***Bijaya Kumar Das and Another***

.... ***Respondents***

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

Mr. R.P. Bhagat, counsel for Respondent No.2

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

**ORDER**  
**26.10.2022**

**Order No.**

- 02.
1. The matter is taken up through hybrid mode.
  2. Heard Mr. P.K. Mahali, learned counsel for the Appellant – insurer, Mr. P.K. Mishra, learned counsel for claimant – Respondent No.1 and Mr. R.P. Bhagat, learned counsel for the owner – Respondent No.2.
  3. Present appeal is directed against the impugned award dated 8<sup>th</sup> February, 2022 passed by the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.86-J of 2020 wherein compensation to the tune of Rs.19,19,371/- 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 OD 05AF 3657.

4. Upon hearing all the parties and considering all such grounds advanced including the ground of non-involvement of the offending vehicle in the accident as per ground no.5 in the appeal memo, which is rejected outright for the reason that mentioning of a wrong registration number before police in the statement recorded under Section 161 Cr.P.C. would not make out a case in support of the insurer, a reduced compensation of Rs.12,00,000/- consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent No.1 as well as Mr. Bhagat, learned counsel for the owner – Respondent No.2. Mr. Mahali, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

5. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.12,00,000/- (twelve lakh) 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.

6. The appeal is disposed of.

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

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