

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.227 of 2022

M/s.New India Assurance Co. Ltd. ***Appellant***

Mr. N.B. Das, Advocate

-versus-

Santilata Swain and others ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent Nos.1 to 4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

25.08.2022

Order No.

03.

1. Heard Mr. N.B. Das, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent Nos.1 to 4-claimants.

2. Present appeal by the insurer is directed against the judgment and award dated 19.01.2022 passed in E.C. Case No.115D/2015 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack wherein compensation to the tune of Rs.15,36,614/- including interest has been granted to the claimants-Respondent Nos.1 to 4 on account of death of the deceased in course of and arising out of the employment as the driver in Tata Ace bearing Registration No.OR-02-AK-8177.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.10,50,000/- (Rupees Ten Lakhs Fifty Thousand) consolidated is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimants-Respondent Nos.1 to 4 agrees to the same and Mr. N.B. Das, learned counsel for Appellant-Insurance Company

leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.10,50,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 to 4 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.

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

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

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