

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.246 of 2022

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

.... ***Appellant***
Mr. G.P. Dutta, Advocate

-versus-

Naba Kishor Muduli and Another

.... ***Respondents***
Mr. P.K. Mishra, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
23.12.2022

Order No.

I.A. No.484 of 2022

01. 1. The matter is taken up through hybrid mode.
2. Heard Mr. G.P. Dutta, learned counsel for the insurer –
Appellant and Mr. P.K. Mishra, learned counsel for claimant –
Respondent No.1.
3. Upon hearing both parties and considering the grounds
mentioned in the limitation application the delay in filing the appeal is
condoned.
4. The I.A. is disposed of.

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02. 5. Though the matter is listed for orders but on consent of both
parties the same is taken up for final disposal, as requested.
6. Present appeal by the insurer is directed against the impugned
judgment dated 19th April, 2022 of the learned Commissioner for
Employee's Compensation-cum-Joint Labour Commissioner, Odisha,
Bhubaneswar passed in E.C. Case No.182 of 2015, wherein

compensation to the tune of Rs.8,64,845/- along with interest @12% per annum from the date of accident has been granted on account of injuries sustained by the claimant arising out of and in course of his employment as Boom Operator-cum-Assistant Machine Man under present Respondent No.2.

7. Upon hearing both parties and considering all such grounds advanced, a consolidated sum of Rs.13,00,000/- is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – respondent and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

8. In the result the appeal is disposed of with a direction to the insurer – Appellant to deposit the entire amount of compensation directed above, subject to adjustment of such amount already deposited by the Appellant before the commissioner pursuant to his direction, within a period of two months from today; where after the same shall be disbursed in favour of the claimant without further delay.

9. However, as prayed on behalf of the Appellant, it is open for it to seek such right of recovery, if recoverable, from Respondent No.2 in accordance with law after affording opportunity of hearing.

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

(B.P. Routray)
Judge