

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**FAO No.145 of 2021**

***Legal Manager (T.P.Cell),  
M/s.New India Assurance Company  
Ltd.***

.... ***Appellant***  
Mr.B.C.Singh, Advocate

***-versus-***

***Pradip Kumar Sahoo and others*** .... ***Respondents***  
Mr.P.K.Mishra, Advocate for Respondent No.1

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

**ORDER  
07.02.2022**

**Order No.**

3.

1. Heard Mr.Singh, learned counsel for the Appellant and Mr.Mishra, learned Advocate for Respondent No.1.

2. The present appeal by the Insurer is directed against the impugned judgment/award dated 3<sup>rd</sup> May, 2022 passed by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C.Case No.583-D/2015, wherein compensation to the tune of Rs.13,23,618/- has been paid to the claimant for the injuries sustained in the accident dated 11<sup>th</sup> November, 2015.

3. The case of the claimant is that, while he was working as driver of a truck bearing registration no.OR-05-D-1384, sustained fracture injury on his right leg and left hand with other multiple injuries due to the accident met on the way in course of his employment.

4. Learned counsel for the Appellant submits that while computing the compensation, the Commissioner has taken monthly income of the claimant on a higher side at Rs.8,000/-

though the same should not exceed Rs.7,200/-. It is further submitted that the claimant has renewed his license after the accident and as such it is established that he did not suffer with any permanent disability. But on the basis of the disability certificate furnished by an unauthorized doctor, the Commissioner has accounted permanent disability to the extent of 50% resulting loss of earning capacity up to 80%.

5. Having heard both parties and without getting into further details of computation of compensation, the amount is reduced to Rs.9,00,000/- (Nine lakh) as agreed by the learned counsel for the claimant-respondent no.1 and left to the discretion of the court by learned counsel for the insurer-appellant.

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 award amount 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 Appellant. The impugned award is modified to the above extent.

7. The appeal is accordingly disposed of.

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

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