

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.286 of 2022

Divisional Manager, M/s.New India Assurance Co. Ltd. ***Appellant***

Mr. N.S. Ghose, Advocate

-versus-

Kanailal@Kanhua Maity and another ***Respondents***
Mr. D. Patnaik, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTH

ORDER

25.08.2022

Order No.

03.

1. Heard Mr. N.S. Ghose, learned counsel for the Appellant-Insurance Company and Mr. D. Patnaik, learned counsel for the Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment and award dated 08.02.2022 passed in E.C. Case No.222/2021 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.11,20,285/- including interest has been granted to the claimant-Respondent No.1 on account of injuries sustained in course of and arising out of the employment as the driver/operator in a Power Tiller bearing Engine No.11013441 and Chassis No.12013482 belonging to Respondent No.2.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.10,00,000/- (Rupees Ten Lakhs) consolidated is proposed to the parties in course of hearing. Mr. D. Patnaik, learned counsel for the

claimant-Respondent No.1 agrees to the same and Mr. N.S. Ghose, 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.10,00,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 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