

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.337 of 2017

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

Ms. B. Khadenga, Advocate on behalf of Mr. S. Satapathy,
Advocate

-versus-

Manas Kumar Sethi and another ***Respondents***

Mr. B.N. Samantaray, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
08.08.2022

Order No.

14.

1. Heard Ms. B. Khadenga, on behalf of Mr. S. Satapathy, learned counsel for the Appellant-Insurance Company and Mr. B.N. Samantaray, learned counsel for Respondent No.1-claimant.

2. Present appeal by the insurer is directed against the judgment and award dated 9.5.2017 passed in E.C. Case No.544-D/2014 by the Commissioner for Employee's Compensation-cum-Deputy Labour Commissioner, Cuttack wherein compensation to the tune of Rs.4,40,966/- has been granted to the claimant-Respondent No.1 on account of injury sustained in course of and arising out of the employment as the helper of Truck TATA ACE bearing Registration No.OR-05-AH-4613.

3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.2,60,000/- (Rupees Two Lakhs Sixty Thousand) consolidated is proposed to the parties in course of hearing. Mr. B.N. Samantaray, learned

counsel for the claimant-Respondent No.1 agrees to the same and Ms. B. Khadenga, 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.2,60,000/- 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 directions, the FAO is disposed of.

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

(*B.P. Routray*)
Judge