

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.413 of 2017

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

.... Appellant

Mr. Subrat Satpathy, Advocate

-versus-

Baban Das and Another

.... Respondents

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

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

**ORDER
06.01.2022**

Order No.

09. 1. Heard Mr. S. Satpathy, learned counsel for the Appellant and Mr. B.N. Samantaray, learned counsel for the claimant – Respondent No.1.
2. The present appeal by the insurer has been directed against the judgment dated 15th February, 2017 of the learned Commissioner for Employee's Compensation-cum-Assistant Labour Commissioner, Cuttack in E.C. Case No.271-D of 2014.
3. In the impugned judgment the learned Commissioner upon adjudicating the dispute has directed for grant of compensation to the tune of Rs.2,98,356/- on account of injuries sustained by the claimant in the accident dated 7th June, 2014.
4. The case of the claimant is that he was working as the labourer in the truck bearing Registration No.OR 05 S 9525 on the date of

accident and sustained injuries on his person due to the accident in course of employment.

5. Mr. Satpathy, learned counsel for the Appellant submits that the learned Commissioner has erroneously accepted the percentage of disability and loss of earning capacity on the higher side and resultantly granted higher compensation to the aforesaid tune.

6. Having heard both parties and upon perusal of the impugned judgment, without getting into further discussion in respect of computation of compensation, the same is reduced to Rs.1,90,000/- consolidated, which is agreed by Mr. Samantray.

7. Since the entire awarded amount has been deposited before the learned Commissioner, out of the said amount, a consolidated sum of Rs.1,90,000/- (one lakh ninety thousand) along with proportionate interest accrued thereon be disbursed in favour of the claimant – Respondent within four weeks from today and the balance amount along with interest accrued thereof shall be refunded to the Insurer – Appellant without delay.

8. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge