

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.293 of 2022

***Divisional Manager,
Oriental Insurance Co. Ltd.***

.... Appellant

Mr.S.Satpathy, Advocate

-versus-

Ashok Kumar Rout and another

.... Respondents

Mr.P.K.Mishra, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

**ORDER
18.11.2022**

Order No.

4. The matter is taken up through Hybrid mode.
2. Heard Mr.Satpathy, learned counsel for the Insurer-Appellant and Mr.Mishra, learned Advocate for claimant-Respondent No.1.
3. Present appeal by the Insurer is directed against impugned judgment/award dated 18th April, 2022 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Cuttack, in E.C.Case No.345-D/2018, wherein compensation to the tune of Rs.16,17,133/- has been granted on account of injuries sustained by the claimant in course of his employment as a driver of a Truck bearing registration no.OR-05-AC-4851.
4. Having heard both parties and considering all such grounds of challenge advanced including the submission that the injured claimant has got endorsement on his D.L. to drive the hazardous vehicle subsequent to the date of accident, a reduced compensation of Rs.9,50,000/- consolidated is proposed to the

parties in course of hearing. The same is agreed by Mr.Mishra, learned counsel for the claimant-Respondent No.1. Mr.Satpathy, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

5. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum- Divisoinal Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of Rs.9,50,000/-(Nine lakhs fifty thousand) 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 Insurer-Appellant.

6. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge