

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.650 of 2020

The Legal Manager,

M/s.United India Insurance Co.Ltd.

Appellant

Mr.Somnath Roy, Advocate

-versus-

Sobha Singh and others

Respondents

Mr.Sujit Sen, Advocate for Respondent Nos.1 to 3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

16.02.2022

Order No.

4.

1. Heard Mr.Roy, learned counsel for the Appellant and Mr.Sen, learned Advocate for claimant-Respondent No.1.

2. Present appeal by the Insurer is directed against the impugned judgment/award dated 30th May, 2020 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack in E.C.Case No.258-D of 2018, wherein compensation to the tune of Rs.9,42,174/- has been awarded on account of death of the deceased arising out of and in course of his employment, who was working as driver of the truck bearing Registration No.OR-01-E/5162.

3. Mr.Roy, learned counsel for the Appellant submits that as the driving license of the deceased was not valid on the date of accident resulting the death, the Insurer cannot be held liable for indemnifying the owner. This contention of the Appellant is rejected outright on the admitted fact that the unladen weight of the vehicle at the time of accident was less than 7500 Kg and the deceased had the valid license for driving a LMV.

4. Mr. Roy further submits that the wage of the deceased has been taken on higher side though it should not exceed Rs.7000/-.

5. So far as the quantum of compensation is concerned, a reduced compensation to the tune of Rs.7,50,000/- (Seven lakhs fifty thousand) is proposed to the parties in course of hearing. Mr.Sen, learned counsel for the claimants-Respondent Nos.1 to 3 agrees to the same and Mr.Roy, learned counsel for the Insurer-Appellant leaves it to the discretion of the Court. As such, the amount is fixed to such extent.

6. Since the entire award amount has already 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 claimants 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