

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.294 of 2022

***Divisional Manager, The New India
Assurance Company Ltd.***

.... ***Appellant***

Mr. N.K. Mohanty, Advocate

-versus-

Sk. Imtyaz @ Imtiyaz and Another

.... ***Respondents***

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

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.9.2022

Order No.

I.A. No.571 of 2022

- 02.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. N.K. Mohanty, learned counsel for the Appellant and Mr. P.K. Mishra, learned counsel for claimant – Respondent No.1.
 3. Upon hearing both parties and considering the grounds mentioned in the application, the delay in filing the appeal is condoned.
 4. The receipt filed in the court is kept on record.
 5. The I.A. is disposed of.

FAO No.294 of 2022

- 03.
6. Present appeal by the insurer is directed against the award dated 16th February, 2022 passed by the learned Commissioner for

Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.210-D of 2017 wherein compensation to the tune of Rs.9,11,844/- including interest has been awarded on account of injuries sustained by the claimant arising out of and in course of his employment as helper in the mini truck bearing registration number OR 05 N 3788.

7. Upon hearing both parties and considering the grounds of challenge, a reduced compensation of Rs.7,00,000/- consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent and Mr. Mohanty, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

8. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.7,00,000/- (seven lakhs) along with accrued interest thereof be disbursed in favour of the claimant – Respondent No.1 within a period of two months from today. The rest amount along with accrued interest thereof be refunded to the insurer – Appellant.

9. The appeal is disposed of.

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

(B.P. Routray)
Judge