

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.307 of 2022

M/s.Legal Manager (TP Cell), The New India Assurance Company Limited ***Appellant***

Mr. S.A. Ali, Advocate

-versus-

Niren@Naren Dutta and others ***Respondents***

Mr. P.K. Mishra, Advocate for Respondent Nos.2, 3, 4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

20.12.2022

Order No.

04.

1. Heard Mr. S.A. Ali, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent Nos.2 to 4-claimants.

2. Present appeal by the insurer is directed against the judgment and award dated 06.04.2022 passed in E.C. Case No.327-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack, wherein compensation to the tune of Rs.13,12,251/- including interest has been granted to the claimants-Respondent Nos.1 to 4 on account of death of the deceased in course of and arising out of the employment as the driver in Pickup vehicle bearing Registration No.OR-22-B-7325 belonging to Respondent No.5.

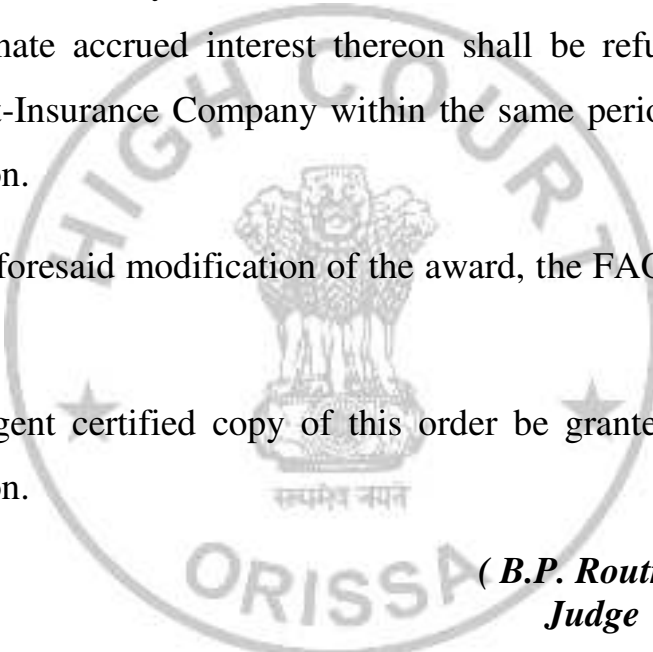
3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.11,50,000/- (Rupees Eleven Lakhs Fifty Thousand) consolidated is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned

counsel for the claimants agrees to the same and Mr. S.A. Ali, 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.11,50,000/- along with proportionate accrued interest be disbursed in favour of the claimants 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 modification of the award, the FAO is disposed of.

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

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script below it. The words 'HIGH COURT' are written in an arc at the top, and 'ORISSA' is written in an arc at the bottom, separated by two stars.
(*B.P. Routray*)
Judge