

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.308 of 2022

*The Divisional Manager,
M/sNew India Assurance Co. Ltd.*

.... *Appellant*
Mr.S.Roy, Advocate

-versus-

Akhaya Kumar Lenka and another *Respondents*
Mr.B.N.Samantray, Advocate for Respondent No.1

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

ORDER
14.09.2022

Order No.

I.A.No.520 of 2022

2.
 1. The matter is taken up through Hybrid mode.
 2. Heard Mr.Roy, learned counsel for the Appellant and Mr.Samantray, learned counsel for Respondent No.1.
 3. Upon hearing both parties and considering the grounds mentioned in the petition, delay in filing the appeal is condoned.
 4. The I.A. is disposed of.

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5. Present appeal by the Insurer is directed against impugned judgment/award dated 11th January, 2022 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Jagatsinghpur in E.C.Case No.10 of 2015, wherein compensation to the tune of Rs.11,99,292/- has been granted on account of injury sustained by the claimant in course of his employment as a driver of a Auto Rickshaw bearing registration no.OR-21-D-9506.

6. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.5,50,000/- consolidated is proposed to the parties in course of hearing. The same is agreed by Mr.Samantray, learned counsel for the claimant-Respondent No.1. Mr.Roy, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

7. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Jagatsinghpur, the Commissioner is directed to disburse the modified consolidated amount of Rs.5,50,000/-(Five 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.

8. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge