

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.313 of 2022

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

.... ***Appellant***

Mr. Somnath Roy, Advocate

-versus-

Samir Kumar Dehury and Another

.... ***Respondents***

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

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
28.9.2022

Order No.

I.A. No.597 of 2022

01. 1. The matter is taken up through hybrid mode.
2. Heard Mr. S. Roy, 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 I.A. is disposed of.

FAO No.313 of 2022

02. 5. Though the matter is under the heading ‘For Orders’ but on the request of both parties the matter is taken for hearing under Order 41 Rule 11 C.P.C.
6. Present appeal by the insurer is directed against the award dated 6th April, 2022 passed by learned Commissioner for Employee’s

Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.46-D of 2015 wherein compensation to the tune of Rs.10,77,931/- 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 truck bearing registration number OR 05 AD 6396.

7. Upon hearing both parties and considering the grounds of challenge, a reduced compensation of Rs.5,50,000/- consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent and Mr. Roy, 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.5,50,000/- (five lakh fifty thousand) 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