

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.317 of 2022

Legal Manager (T.P. Cell), M/s.New India Assurance Co. Ltd. ***Appellant***

Mr. N.B. Das, Advocate

-versus-

Anil Kumar Mohanty and another ***Respondents***

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
21.09.2022

Order No.

I.A. No.576 of 2022

01. 1. Since the certified copy of the impugned judgment has been filed in the connected appeal, i.e. FAO No.318 of 2022, filing of the same in the present appeal is dispensed with.
2. The I.A. is disposed of.

I.A. No.578 of 2022

3. Heard Mr. N.B. Das, learned counsel for the Appellant and Mr. P.K. Mishra, learned counsel for the Respondent No.1.
4. Upon hearing both the parties and considering the grounds mentioned in the petition, the delay in filing the appeal is condoned.
5. The I.A. is disposed of.

FAO No.317 of 2022

6. Heard Mr. N.B. Das, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.

7. Present appeal by the insurer is directed against the judgment and award dated 23.02.2022 passed in E.C. Case No.88-J/2020 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.13,99,368/- including interest has been granted to the claimant-Respondent No.1 on account of injuries sustained by him in course of and arising out of the employment as the driver in TATA Ultra (Container) bearing Registration No.OD-02-BC-2291 belonging to Respondent No.2.

8. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand) consolidated is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. N.B. Das, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

9. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.9,50,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 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.

10. With aforesaid modification of the award, the FAO is disposed of.

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

(B.P. Routray)
Judge

B.K. Barik

