

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.184 of 2016

***Divisional Manager, New India
Assurance Co. Ltd.***

.... ***Appellant***

Mr. Mahitosh Sinha, Advocate

-versus-

Bishwakarma Prasad and Another

.... ***Respondents***

Mr. P.C. Chhinchani, Advocate

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
14.02.2022

Order No.

- 07.
1. Heard Mr. M. Sinha, learned counsel for the Appellant and Mr. P.C. Chhinchani, learned counsel for the claimant – Respondent No.1.
 2. Present appeal is by the insurer challenging award dated 1st March, 2016 of the learned Commissioner for Employee's Compensation and Assistant Labour Commissioner, Rourkela in E.C. Case No.22 of 2015 wherein compensation to the tune of Rs.8,90,840/- has been awarded to the claimant on account of death of the deceased in course of his employment.
 3. The case of the claimants are that the deceased was working as a driver in the truck bearing Registration No.CG 13 LA 6055 which was entrusted in transporting of goods. On the date of accident, i.e. 16th April, 2015 the deceased after parking the vehicle on the road side while was crossing the road for refreshment, an unknown vehicle

dashed against him resulting fatal injuries and the deceased succumbed to such injuries.

4. Mr. Sinha contends that the employment of the deceased in the alleged truck is not proved and in such circumstances his death in course of his employment is not established on record.

5. Having heard both parties and upon perusal of the impugned judgment, it reveals that the F.I.R. was lodged on the next day of the occurrence and as per police investigation report the employment of the deceased as well as his death due to the accident has been sufficiently corroborated. Further the driving license of the deceased has been marked on admission in course of recording evidence.

6. Considering all such factors the contentions raised on behalf of the Appellant are rejected being found not supported with any material.

7. In the result the appeal is dismissed.

8. Since the entire amount has been deposited before the learned Commissioner, the same along with accrued interest thereof be disbursed in favour of the claimant within a period of four weeks from today.

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

(B.P. Routray)
Judge