

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.806 of 2019

Surendra Kumar Jena

....

Appellant

Mr. B.N. Rath, Advocate

-versus-

Sri Arun Kumar Tarai and another

....

Respondents

Mr. G.P. Dutta, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

30.08.2022

Order No.

07.

1. Heard Mr. B.N. Rath, learned counsel for the Appellant-claimant and Mr. G.P. Dutta, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimant is directed against the judgment and award dated 26.04.2019 passed in E.C. No.72/2011 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Berhampur, Ganjam wherein compensation to the tune of Rs.30,979/- has been granted to him on account of injuries sustained in course of and arising out of the employment as the helper in a Mini Bus bearing Registration No.OR-07-C-7406.

3. The entire challenge is based on the question of liability of the insurer. The Commissioner has held that in absence of production

of copy of the insurance policy covering the risk, it would not justifiable to fasten the liability on the insurer.

4. Mr. G.P. Dutta, learned counsel for Respondent No.2-insurer concedes in all fairness that the offending Bus was having a valid insurance policy on the date of accident i.e. 21.09.2010.

5. In view of such concession rendered by Mr. Dutta, the liability is liable to be fastened on the insurer to pay the compensation on behalf of the owner.

6. Accordingly, the appeal is disposed of with a direction to the insurer-Respondent No.2 to pay the entire compensation amount to the claimant-Appellant within a period of eight weeks from today.

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

(**B.P. Routray**)
Judge