

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.175 of 2021

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

....

Appellant

Mr. P.K. Mahali, Advocate

-versus-

Amita Mohanty and Others

....

Respondents

Mr. P.K. Mishra on behalf of Mr. P.K. Mohanty,
counsel for Respondents 1, 2, 4 & 5

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

26.8.2022

Order No.

- 06.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. P.K. Mahali, learned counsel for the Appellant and Mr. P.K. Mishra on behalf of Mr. P.K. Mohanty, learned counsel for claimant – Respondents 1, 2, 4 and 5.
 3. Mr. Mahali as well as Mr. Mishra, learned counsels submit that in the meantime Respondent No.3, namely Ramabati Mohanty died and since all her LRs are on record, no further substitution is required.
 4. Prayer is allowed. The name of Respondent No.3 be deleted.
 5. Present appeal by the insurer is directed against the award dated 19th March, 2021 passed by the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.21-J of 2021 wherein compensation to the tune of Rs.14,28,198/-

including interest has been awarded on account of death of deceased Upendra Mohanty arising out of and in course of his employment as driver in the truck bearing registration number OR 04 E 2112.

6. Upon hearing both parties and considering the grounds of challenge, a reduced compensation of Rs.10,50,000/- consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondents and Mr. Mahali, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

7. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.10,50,000/- (then lakh fifty thousand) along with accrued interest thereof be disbursed in favour of the claimant – Respondent Nos.1, 2, 4 and 5 within a period of two months from today. The rest amount along with accrued interest thereof be refunded to the insurer – Appellant.

8. The appeal is disposed of.

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

(B.P. Routray)
Judge