

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.665 of 2020

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

.... Appellant
Mr.S.K.Mohanty, Advocate

-versus-

Ashanti Pratihari and others ***.... Respondents***
Mr.Biswajit Mohanty, Advocate for Respondent Nos.1 to 3

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
8.4.2022**

Order No.

7.

1. Heard Mr.Mohanty, learned counsel for the Appellant and Mr.Mohanty, learned Advocate for Respondent Nos.1 to 3.
2. Present appeal by the Insurer is directed against impugned judgment/award dated 24th October, 2019 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Dhenkanal in E.C.Case No.1 of 2017, wherein compensation to the tune of Rs.4,30,154/- has been granted on account of death of the deceased in course of his employment as helper of Tipper bearing Registration No.OR-04-E-3345.
3. It is submitted on behalf of the Appellant that the death of the deceased is no way related to the accident and the vehicle as well as the story has been created to manage compensation.

4. Upon examination of such contention of the Appellant, it reveals from record that lodging of F.I.R., the injury report or the cause of death of the deceased were not disputed by the Insurer before the Commissioner, nor any evidence in rebuttal was adduced by the Insurer on record. Rather the Insurer has relied on the same F.I.R., charge-sheet and other police papers before the Commissioner. Therefore, no merit is seen in such contention of the Appellant to sustain the challenge.

5. Keeping in view the income part and the computations to determine the quantum of compensation, no reason is found to interfere with the same. The appeal is accordingly dismissed.

(B.P. Routray)
Judge

C.R.Biswal