

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.176 of 2021

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

.... ***Appellant***

Mr. B.C. Singh, Advocate

-versus-

Suryakanta Swain and Another

.... ***Respondents***

Mr. Pradeep Kumar Mishra, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
16.3.2022

Order No.

I.A. No.502 of 2021

01. 1. Heard Mr. B.C. Singh, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for the claimant – Respondent No.1.
2. Having heard both parties and considering the grounds mentioned in the application, the delay in filing the appeal is condoned.
3. The I.A. is disposed of.

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02. 4. On the prayer of both parties the matter is taken up for final hearing.
5. Heard Mr. B.C. Singh, learned counsel for the insurer and Mr. P.K. Mishra, learned counsel for claimant.

6. Present appeal by the insurer is directed against award dated 30th April, 2021 of the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.283-D of 2015 wherein compensation to the tune of Rs.13,37,641/- including interest has been awarded on account of injuries sustained by the claimant in course of his employment as driver of the truck bearing registration number OR 04 E 6362.

7. Having heard both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.9,35,000/- consolidated is proposed to the parties in course of hearing. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent and Mr. Singh, learned counsel for the insurer leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

8. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.9,35,000/- (nine lakh thirty-five thousand) along with accrued interest thereof be disbursed in favour of the claimant – Respondent No.1 within a period of two months from today. The rest amount along with accrued interest thereof be refunded to the insurer – Appellant.

9. The appeal is disposed of.

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

(B.P. Routray)
Judge