

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.342 of 2022

The Asst. Manager Claims (Legal), Appellant
Cholamandalam MS General
Insurance Company Limited

Mr. G.P. Dutta, Advocate

-versus-

Debaraj Behera and another Respondents
Mr. K.K. Das, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

21.09.2022

Order No.

01.

1. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. K.K. Das, learned counsel for the Respondent No.1-claimant.
2. Present appeal by the insurer is directed against the judgment and award dated 26.07.2022 passed in E.C. Case No.200/2015 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Odisha, Bhubaneswar wherein compensation to the tune of Rs.10,85,750/- including interest has been granted to the claimant-Respondent No.1 on account of injuries sustained by him in course of and arising out of the employment as a labourer of the Truck bearing Registration No.OR-04-D-6234 belonging to Respondent No.2.
3. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.8,10,000/- (Rupees Eight Lakhs Ten Thousand) consolidated is proposed to the parties in course of hearing. Mr. K.K. Das, learned counsel for

the claimant-Respondent No.1 agrees to the same and Mr. G.P. Dutta, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

4. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.8,10,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 within a period of eight weeks from today and the balance amount along with proportionate accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application.

5. With aforesaid modification of the award, the FAO is disposed of.

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

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