

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.191 of 2021

The Divisional Manager,

M/s.New India Assurance Co. Ltd..

....

Appellant

Mr.S.Roy, Advocate

-versus-

Jharendra @ Dharendra Kumar @

Dharanidhar Bhoi and another

....

Respondents

Mr.P.K.Mishra, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

4.11.2022

Order No.

I.A.No.425 of 2021

1. The matter is taken up through Hybrid mode.
2. The I.A. is disposed of as no delay is there as per the S.R.

FAO No.191 of 2021

3. Heard Mr.Roy, learned counsel for the Insurer-Appellant and Mr.Mishra, learned Advocate for claimant-Respondent No.1.

4. Present appeal by the Insurer is directed against impugned judgment/award dated 30th June, 2021 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack, in E.C.Case No.422-D/2016, wherein compensation to the tune of Rs.9,57,147/- has been granted on account of injuries sustained by the Claimant in course of his

employment as a labourer of the truck bearing registration no.OR-04-D-7292.

5. Mr.Roy, learned counsel for the Insurer-Appellant contends that the injured-claimant has filed another claim application before the Employee's Compensation-Cum-Divisional Labour Commissioner, Jajpur in E.C. Case No. 18/2017 for the self-same accident and therefore, he is not entitled for compensation in the present case.

6. Mr. Mishra, learned counsel for the injured-claimant submits that in the meantime, the claimant has withdrawn the said application in E.C. Case No.18/2017, which has already been dismissed as withdrawn. An authenticated copy of the order of the learned Employee's Compensation-Cum-Divisional Labour Commissioner, Jajpur communicated to the injured-claimant in memo No.2978 dated 1.10.2022 filed by Mr. Mishra is kept on record.

7. With regard to quantum of compensation, after hearing both parties and considering the grounds of challenge advanced, a reduced compensation of Rs.6,50,000/- consolidated is proposed to the parties in course of hearing. The same is agreed by Mr. Mishra, learned counsel for the claimant-Respondent No.1. Mr. Roy, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

8. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of

Rs.6,50,000/- (Six lakhs fifty thousand) with proportionate accrued interest thereof in favour of the claimant within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant.

9. The appeal is accordingly disposed of.

10. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge



CRBiswal