IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.200 of 2021

The Regional Manager, M/s.New India Assurance Company Limited .... ***Appellant***

Mr. J. Ghosh, Advocate on behalf of Mr.B.C. Singh, Advocate

-versus-

Pratap Malik and another .... ***Respondents***

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

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
18.02.2022

Order No.

02. 1. Heard Mr. J. Ghosh, learned counsel on behalf of Mr. B.C. Singh for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the claimant-Respondent No.1.

2. Present appeal by the insurer is directed against the judgment and award dated 8.7.2021 passed in E.C. Case No.104/2015 by the Commissioner for Employee's Compensation–cum–Divisional Labour Commissioner, Odisha, Bhubaneswar wherein compensation to the tune of Rs.4,95,140/- has been granted to the claimant-Respondent No.1 on account of injury sustained by him in course of and arising out of the employment as a labourer in the Truck bearing Registration No.OR-04-D-8415.

3. In course of hearing, a reduced compensation of Rs.4,00,000/- consolidated is proposed. Learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. J. Ghose, learned counsel on behalf of Mr. B.C. Singh 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.4,00,000/- 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

B.K. Barik