

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.229 of 2021

Legal Manager (T.P. Cell), The New
India Assurance Company Ltd. ***Appellant***

Mr. Bijoy Dasmohapatra, Advocate

-versus-

Balaram Behera and Another ***Respondents***

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

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
21.02.2022

Order No.

04. 1. Heard Mr. B. Dasmohapatra, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for the claimant – Respondent No.1.
2. Present appeal by the insurer is directed against award dated 23rd July, 2021 of the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.523-D of 2016 wherein compensation to the tune of Rs.11,90,176/- has been awarded on account of injuries sustained by the claimant in course of his employment as a labourer of the pickup van bearing Registration No.OD 05 N 9726.
3. It is contended on behalf of the appellant that the monthly wages of the injured – claimant has been taken on higher side at Rs.7000/- per month which should not exceed Rs.6,210/-. It is further

contended that despite no disability certificate is produced, but on the basis of the assessment made by the doctor (P.W.2) the extent of disability is taken as 50% with consequential loss of earning capacity up to 80%.

4. In course of hearing a reduced consolidated sum of Rs.6,70,000/- as compensation is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant and Mr. Dasmohapatra, learned counsel for the Appellant left it to the discretion of the Court. Accordingly, the compensation amount is reduced to the above extent.

5. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.6,70,000/- (six lakh seventy 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.

6. The appeal is disposed of.

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

(B.P. Routray)
Judge