

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.234 of 2021

***Legal Manager, M/s.Cholamandalam
MS General Insurance Company Ltd. Appellant***

Mr. Adam Ali Khan, Advocate

-versus-

Sk. Akhtar @ Aktar Ali and Another Respondents

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

**CORAM:
SHRI JUSTICE B. P. ROUTRAY**

**ORDER
11.3.2022**

Order No.

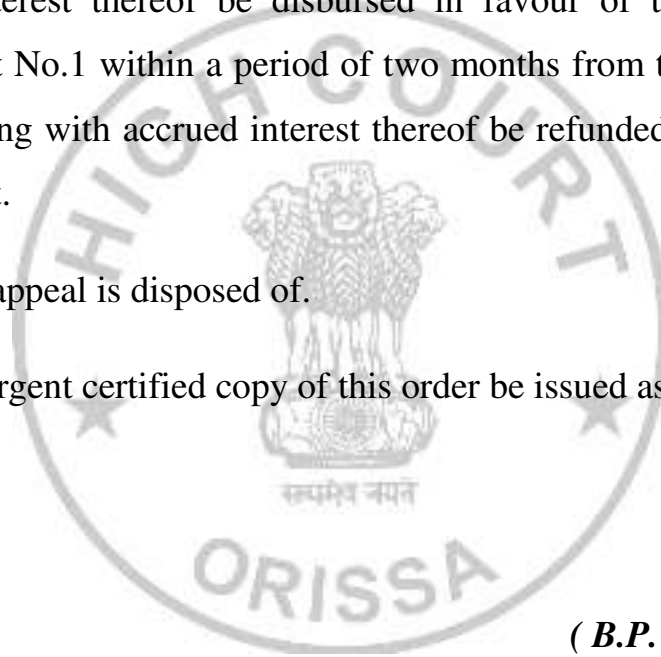
02. 1. Heard Mr. A.A. Khan, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for the claimant – Respondent No.1.
2. Present appeal by the insurer is directed against award dated 23rd July, 2021 of the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.331-D of 2015 wherein compensation to the tune of Rs.12,33,921/- has been awarded on account of injuries sustained by the claimant in course of his employment as helper of TATA Ace bearing Registration number OR 05 AM 4784.
3. It is contended on behalf of the Appellant that the doctor who has opined regarding disability of the claimant is not an authorized person on that aspect and further, the loss of earning capacity calculated on the basis of extent of disability is on higher side.

4. In course of hearing a reduced compensation of Rs.6,50,000/- consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent and Mr. Khan leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

5. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.6,50,000/- (six lakh fifty 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