

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.404 of 2022

***Manager (T.P. Cell), M/s. New India
Assurance Company Ltd.***

.... ***Appellant***
Mr. G.P. Dutta, Advocate

-versus-

Mini Swain and Another

.... ***Respondents***
Mr. Jitendra Mohanty, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
23.12.2022

Order No.

I.A. No.721 of 2022

01. 1. The matter is taken up through hybrid mode.
2. Heard Mr. G.P. Dutta, learned counsel for the insurer –
 Appellant and Mr. J. Mohanty, learned counsel for claimant –
 Respondent No.1.
3. Upon hearing both parties and considering the grounds
 mentioned in the limitation application the delay in filing the appeal is
 condoned.
4. The I.A. is disposed of.

FAO No.404 of 2022

02. 5. Though the matter is listed for orders, but on the request of both
 parties, the same is taken up for final disposal.
6. Present appeal by the insurer is directed against the impugned
 judgment dated 29th June, 2022 of the learned Commissioner for
 Employee's Compensation-cum-Divisional Labour Commissioner,
 Cuttack passed in E.C. Case No.120-J of 2020, wherein compensation

to the tune of Rs.8,61,002/- including interest has been granted on account of death of deceased Rabi Swain arising out of and in course of his employment as helper of truck bearing registration number OR 21B 0461.

7. Upon hearing both parties and considering all such grounds advanced, a consolidated sum of Rs.7,00,000/- is proposed to the parties. This is agreed by Mr. Mohanty, learned counsel for the claimant – respondent and Mr. Dutta, learned counsel for the insurer leaves it to the discretion of the court. Accordingly the compensation amount is fixed to the said extent.

8. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.7,00,000/- (seven lakhs) 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 proportionate accrued interest be refunded to the insurer – Appellant.

9. The appeal is disposed of.

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

(B.P. Routray)
Judge