

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.260 of 2021

Divisional Manager, M/s.Oriental Insurance Company Ltd. ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Ranjit Kumar Bhuyan and another ***Respondents***
Mr. D. Pattanaik, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
17.02.2022

Order No.

I.A. No.456 of 2021

01. 1. The I.A. is disposed of as the Office has not pointed out any delay.

FAO No.260 of 2021

2. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company as well as Mr. D. Pattanaik, learned counsel for the claimant-Respondent No.1.
3. Present appeal by the insurer is against the judgment and award dated 30.7.2021 passed in E.C. Case No.61/2010 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Bhubaneswar wherein compensation to the tune of Rs.4,93,077/- 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-09-E-3507.

4. It is contended by Mr. G.P. Dutta, learned counsel for the Appellant that though the decree was passed ex-parte against him, the learned commissioner has failed to consider the appropriate income of the claimant as well as the percentage of disability resulting grant of higher compensation.

5. In course of hearing, a reduced compensation of Rs.4,25,000/- consolidated is proposed. Learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.4,25,000/- 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.

7. With aforesaid modification of the award, the FAO is disposed of.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge