

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.439 of 2022

M/s.New India Assurance Company Limited ***Appellant***

Mr. G.P. Dutta, Advocate

-versus-

Nihar Ranjan Mohanty and another ***Respondents***
Mr. P.K. Mishra, Advocate for Respondent No.1

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

22.12.2022

Order No.

03.

1. Learned counsel for the Appellant files the receipt showing deposit of the awarded amount before the learned Commissioner in Court today. The same is kept on record.
2. Though this matter was listed under heading “For Orders”, but with the consent of both the parties, the same is taken up for final disposal, as requested.
3. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. P.K. Mishra, learned counsel for the Respondent No.1-claimant.
4. Present appeal by the insurer is directed against the judgment and award dated 28.08.2022 passed in E.C. Case No.07/2021 by the Commissioner for Employee’s Compensation-cum-Divisional Labour Commissioner, Jagatsinghpur, wherein compensation to the tune of Rs.13,98,677/- including interest 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 the driver

in an Auto bearing Registration No.OD-02-AQ-9547 belonging to Respondent No.2.

5. Upon hearing both the parties and considering the grounds of challenge advanced, a reduced compensation of Rs.10,00,000/- (Rupees Ten Lakhs) consolidated is proposed to the parties in course of hearing. Mr. P.K. Mishra, learned counsel for the claimant agrees to the same and Mr. G.P. Dutta, learned counsel for 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.10,00,000/- along with proportionate accrued interest be disbursed in favour of the claimant 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