

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.283 of 2021

Manager-cum-Officer in Charge,
National Insurance Company Ltd. *Appellant*

Mr. P.K. Mahali, Advocate

-versus-

Laxmibala Dalabehera and Others *Respondents*

Mr. Ananga Kumar Otta, counsel for Respondents 1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
28.3.2022

Order No.

04. 1. Heard Mr. P.K. Mahali, learned counsel for the insurer-Appellant and Mr. A.K. Otta, learned counsel for Respondents 1&2.
2. Present appeal by the insurer is directed against the common award dated 18th September, 2021 of the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.44-D and 45-D of 2018. The present appeal is concerning E.C. Case No.44-D of 2018 wherein compensation to the tune of Rs.13,10,285/- including interest has been awarded on account of death of the deceased in course of his employment as driver of the truck bearing registration number OR 06 B 4677.
3. Mr. Mahali, learned counsel for the Appellant contends that though the vehicle in question was not involved in the accident as per the contents of the F.I.R. but subsequently implanted to manage the compensation amount. This contention of Mr. Mahali is rejected

outright in absence of any evidence adduced to that effect from the side of the insurer. Further the charge-sheet has been submitted against the driver of the offending vehicle in the police report.

4. Considering the grounds of challenge with regard to quantum of compensation, a reduced amount of Rs.12,00,000/- consolidated is proposed to the parties. This is agreed by Mr. Otta, learned counsel for the claimant – Respondent and Mr. Mahali 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.12,00,000/- (twelve lakh) along with accrued interest thereof be disbursed in favour of the claimant – Respondent Nos.1 & 2 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