

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO Nos.289 & 290 of 2021

FAO No.289 of 2021

National Insurance Co. Ltd.

....

Appellant

Mr.S.R.Pattnaik, Advocate

-versus-

Sagarika Bhoi and others

....

Respondents

Mr.T.C.Mohanty, Sr. Advocate

AND

FAO No.290 of 2021

National Insurance Co. Ltd.

....

Appellant

Mr.S.R.Pattnaik, Advocate

-versus-

Khulana Rout and others

....

Respondents

Mr.T.C.Mohanty, Sr. Advocate

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

28.3.2022

Order No.

3.

I.A.No.444 of 2021 (FAO No.289 of 2021)

1. In view of the Stamp Report, the I.A. is disposed of.

I.A.No.445 of 2021(FAO No.290 of 2021)

2. In view of the office note, the I.A. is disposed of.

I.A.No446 of 2021

3. Filing of certified copies is dispensed with being filed in the connected appeal.

4. The I.A. is disposed of.

FAO Nos.289 & 290 of 2021

5. Heard Mr.Pattnaik, learned counsel for the Insurer and Mr.Mohanty, learned Senior Counsel for the claimants.

6. Two appeals stated above have been filed by the Insurance Company against two claim cases filed by the wife and minor daughter of the deceased (FAO No.289 of 2021) and the parents along with sister of the deceased (FAO No.290 of 2021) in respect of the same judgment. It needs to be mentioned here that those two sets of claimants had preferred two claim applications before the learned Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack for the death of the same deceased, which were heard analogously and disposed of by the impugned award.

7. Both the appeals are directed against the common award dated 23rd August, 2021 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack in E.C.Case No.141-D/2019 & E.C.Case No.280-D/2019, wherein compensation to the tune of Rs.14,21,983/- has been granted on account of death of the deceased in course of his employment as helper in a Truck bearing registration no.OR-14-L-5317.

8. Mr.Pattnaik submits on behalf of the Appellant-Insurer that the alleged offending vehicle was not involved in the accident, but subsequently has been implanted to manage the compensation. But he was unable to substantiate his contention

with materials. As such the contention is rejected in absence of any evidence brought on record in that respect.

9. Considering the grounds of challenge with regard to quantum of compensation as advanced by the parties, a reduced compensation of Rs.11,00,000/- (Eleven lakhs) consolidated is proposed to the parties in course of hearing. This is agreed by Mr.Mohanty, learned Senior Counsel for the claimants-Respondents. Mr.Pattnaik, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

10. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of Rs.11,00,000/-(Eleven lakhs) with proportionate accrued interest thereof in favour of the claimants within a period of two months from today on such terms and proportion to be decided by him. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer.

11. Both the appeals are accordingly disposed of.

12. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge