

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.309 of 2021

Divisional Manager, The New India Assurance Company Limited ***Appellant***

Mr. S.K. Ghose, Advocate

-versus-

Gudia Bibi and others ***Respondents***

Mr. B.N. Rath, Advocate for Respondent Nos.1 to 5

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

11.02.2022

Order No.

05.

1. Heard Mr. S.K. Ghose, learned counsel for the Appellant-Insurance Company as well as Mr. B.N. Rath, learned counsel for the claimants-Respondent Nos.1 to 5.

2. Present appeal by the insurer against the judgment and award dated 30.9.2021 passed in E.C. Case No.423-D/2018 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack wherein compensation to the tune of Rs.9,62,637/- has been granted to the claimants-Respondent Nos.1 to 5 on account of death of the deceased in course of and arising out of the employment as a helper of the vehicle in question.

3. The award is challenged on the ground that the income of the deceased has been taken at a higher side and also wrong factor has been applied ignoring the actual age of the deceased.

4. Having heard both the parties and without getting into the dispute further, the amount of compensation is reduced to Rs.6,60,000/- consolidated. Learned counsel for the claimants-Respondent Nos.1 to 5 agrees to the same and Mr. S.K. Ghose, learned counsel for the Appellant-Insurance Company leaves it to the discretion of the Court.

5. Accordingly, the award amount is modified to the above extent that the Appellant-Insurance Company is directed to pay consolidated amount of compensation of Rs.6,60,000/- (rupees six lakhs sixty thousand) to the claimants-Respondent Nos.1 to 5.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.6,60,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 to 5 within a period of eight weeks from today and the balance amount along with 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