

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.338 of 2021

***The Manager (Legal), M/s. Shriram
General Insurance Company Ltd.***

....

Appellant

Mr. G.P. Dutta, Advocate

-versus-

Sk. Jainul and Others

....

Respondents

Mr. Biranchi Narayan Rath, counsel for Respondents 1&2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
11.3.2022

Order No.

02. 1. Heard Mr. G.P. Dutta, learned counsel for the insurer-Appellant and Mr. B.N. Rath, learned counsel for the claimant – Respondents 1 and 2.
2. Present appeal by the insurer is directed against award dated 15th September, 2021 of the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.502-D of 2015 wherein compensation to the tune of Rs.13,88,300/- (including interest) has been awarded on account of death of the deceased in course of his employment as helper of the truck bearing Registration number OR 21 B 1486.
3. It is submitted on behalf of the Appellant that the monthly wage of the deceased has been taken on higher side at Rs.7000/- by the learned Commissioner which should not exceed more than Rs.4,500/-. Mr. Dutta further disputes connection of the death of the deceased to

his nature of employment and as per him, the deceased died while going in a motor cycle for another purpose than his employment. Also no F.I.R. was registered in this case.

4. However, in course of hearing a reduced compensation of Rs.7,00,000/- consolidated is proposed to the parties. This is agreed by Mr. Rath, learned counsel for the claimant – Respondents and Mr. Dutta 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.7,00,000/- (seven lakh) along with accrued interest thereof be disbursed in favour of the claimant – Respondents 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