IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 382 of 2025

Manager, Oriental Insurance Co. Ltd., Sambalpur ..... ***Appellant(s)***

Mr. G.P. Dutta, Adv.

-Versus-

Bimbadhar Jena & Ors. ..... ***Respondent (s)***

Mr. Pradeep Kumar Mishra, Adv.
(for R-1 and 2)

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
24.10.2025

Order No.

08. **I.A. No.404 of 2025**

1. This matter is taken up through hybrid arrangement.
2. This application has been filed for condoning the delay of 57 days in preferring the Appeal.
3. Heard.
4. Considering the submissions and on going through the averments made in this I.A., prayer is allowed. Delay in preferring the Appeal is, hereby, condoned.
5. The I.A. is accordingly dispose

FAO No.382 of 2025

1. Heard Mr. Dutta, learned counsel for the Appellant and Mr. Mishra, learned counsel for the Respondents.

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2. Present Appeal by the Insurer is directed against impugned judgment/award dated 20th December, 2025 passed by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Keonjhar in E.C. Case No.8 of 2020, wherein compensation to the tune of Rs. 14,87,530/- has been granted on account of death of the deceased in course of his employment as a Driver of the Tipper bearing registration No.OR-14-S-3407.

3. Mr. Dutta, learned counsel for the Appellant though vehemently disputes the employment, death and income of the deceased, but in absence of any evidence adduced from the side of the insurer, said contention is rejected. He further contends that as the deceased had no D.L. no liability can be saddled on the Insurer.

4. Mr. Mishra, learned counsel for the Respondents per contrary submits that admittedly the deceased had valid D.L. which can be seen from Ext.7 which has been marked without objection. Considering rival submission and on going through Ext.7 and in absence of any oral or documentary evidence adduced by the Insurer the said contention is rejected.

5. Having heard both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.14,00,000/- consolidated is proposed to the parties in course

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of hearing. The same is agreed by Mr. Mishra, learned counsel for the claimants. Mr. Dutta, learned counsel for the Insurer leaves it to the direction of the Court. Accordingly, the amount is reduced to said extent.

6. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Keonjhar, the Commissioner is directed to disburse the reduced consolidated amount of Rs. 14,00,000/- (Rupees fourteen lakhs) with proportionate accrued interest thereof in favour of the claimants within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant. The levy of interest is waived.

7. The FAO is, according, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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