IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.927 of 2026

CNR No. ODHC010661442026

United India Insurance Co., Ltd., Cuttack		**Appellant** Mr. S.K. Mohanty, Advocate
	....	
	-versus-	
Ashok Kumar Boitai & Anr.	....	**Respondents** Mr. D. Patnaik, Adv. (for Resp. No.1)

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
06.11.2026

I.A. No.1297 of 2025

Order No

03. **1.** This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Parties.

3. Even though notice of the limitation petition has not yet been issued, considering the submission of the learned counsel appearing for the appellant and learned counsel appearing for the claimant-Respondent No.1 that the matter can be disposed of by way of settlement, this Court is inclined to condone the delay in filing the appeal subject to payment of cost of Rs.2,500/- to be paid before the Juvenile Justice Fund by 09.11.2026.

4. Accordingly, the I.A stands disposed of.

(Biraja Prasanna Satapathy)
Judge

FAO No.927 of 2026

04. 1. Heard learned counsel appearing for the Parties.

2. It is fairly contended that the award amount to the tune of Rs.10,29,271/- has already been deposited before the learned Commissioner by the appellant on 26.10.2026.

3. This appeal has been filed *inter alia* challenging the judgment passed by the learned Commissioner for Employee's Compensation –cum –DLC, Jajpur in E.C. Case No.255 of 2014. Vide the said judgment, learned Commissioner held the Claimant-Respondent No.1 entitled to get compensation amount of Rs.10,29,271/- along with interest @ 12% per annum from the date of accident till payment within a period of 30 (thirty) days from the date of order failing which appellant will be liable to pay 50% penalty along with interest.

3.1. In support of the appeal, it is contended that learned Commissioner committed wrong in passing the award, on the face of the fact that injured-claimant respondent, who made the claim as a driver, was not having valid DL at the time of accident, and the same was only renewed after the accident. No evidence was produced by the claimant-Respondent that the claimant was actually working as a driver under the owner / Respondent No.2. Moreover, in absence of any proof being produced showing maintenance of record in support of the relationship in between the claimant-Respondent No.1 and owner-Respondent No.2, it amounts to breach of policy condition and it exempts the insurer's liability. Learned Commissioner also committed

grave error by simply holding the monthly income of the injured at Rs.15,000/- per month, in absence of any material being produced. In absence of any such material, income of the injured should have been calculated, taking the minimum wages.

3.2. Learned Commissioner also erred in directing the appellant to pay penalty @ 50%, with penal interest @ 12% p.a. on the awarded amount, from the date of accident if the same is not paid within 30 days, from the date of judgment, as decided by the Hon'ble Apex Court.

3.3. Making all these submissions, learned counsel for the appellant contended that the impugned award needs interference of this Court.

4. Even though Mr. D. Pattnaik, learned counsel appearing on behalf of Respondent No.1 supported the impugned judgment, but contended that Claimants-Respondent No.1 will be fully satisfied, if this Court will allow compensation amount of Rs.5,00,000/- consolidated in favour of Respondent No.1.

5. Learned counsel for the Appellant to the aforesaid submissions of the learned counsel for the Claimants-Respondents No.1 leave the same to the discretion of this Court.

6. Having heard learned counsel for the parties and considering the submissions made, this Court while interfering with the impugned judgment, held the Claimants-Respondents No.1 entitled to get compensation

amount of Rs.5,00,000/- consolidated in full and final settlement of his claim. While holding so, this Court directs learned Commissioner to release an amount of Rs.5,00,000/- consolidated in favour of the Claimants-Respondents No.1 within a period of 4 (four) weeks from the date of receipt of this order along with accrued interest, if any, on the deposited amount from the date of deposit till its payment in full and final settlement of his claim. The balance amount along with accrued interest, if any, be released in favour of the Appellant-Company within the aforesaid time period.

7. The appeal is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
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Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 14:59:03