IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.542 of 2025

CNR No. ODHC010854902025

National Insurance Company Ltd., Cuttack — **Appellant**
Ms. P. Pattnaik, Advocate

....

-versus-

Duryodhan Pradhan & Anr. .... **Respondents**
Mr. B.N. Rath, Adv.
(for Resp. No.1)

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
06.11.2026

I.A. No.1035 of 2025

Order No

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

2. Heard learned counsel appearing for the Parties.

3. Perused the office note. Since notice has come back from Respondent No.2 after valid service and no appearance has been made. Notice against the said Respondent No.2 is treated as sufficient.

4. Considering the grounds taken in the I.A., the delay in filing of the appeal stands condoned.

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

(Biraja Prasanna Satapathy)
Judge

FAO No.542 of 2025

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

2. Since on the face of service of notice, no appearance has been made by Respondent No.2, notice against Respondent No.2 is treated as sufficient.

3. This appeal has been filed *inter alia* challenging the judgment passed by the learned Commissioner for Employee's Compensation –cum - Joint Labour Commissioner, Cuttack in E.C. Case No.367-D/2018. Vide the said judgment, learned Commissioner held the Claimant-Respondent No.1 entitled to get compensation amount of Rs.17,41,243/- 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.

4. In support of the appeal, learned counsel for the Appellant contended that the injured was riding the motor cycle himself and was got injured due to his own negligence. He had no valid D.L. to ride a motorcycle and was charge sheeted under Section-180 of M.V. Act. But learned Commissioner did not take into consideration the said fact, though raised.

4.1. It is also contended that even though the injured had registered himself as a person with disability with date of enrollment as 27.09.2023, but no such disability certificate issued by the competent authority was ever produced. But

learned Commissioner relied on the disability certificate issued by a doctor, who was neither the treating doctor of the injured nor specialist in Orthopedic. Relying on such a disability certificate, compensation could not have been awarded.

4.2. 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.

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

5. Even though Mr. B.N. Rath, 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.12,00,000/- consolidated in favour of Respondent No.1.

6. 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.

7. 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.12,00,000/- consolidated in full and final settlement of the claim. While holding so, this Court directs learned Commissioner to release an amount of Rs.12,00,000/- 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.

8. The appeal is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

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