
(2022) 02 OHC CK 0113
In the Orissa High Court
Case No : FAO No.184 Of 2016

Divisional Manager, New India Assurance Co. Ltd.	APPELLANT
Vs	
Bishwakarma Prasad And Another	RESPONDENT

Date of Decision : 14-02-2022

Acts Referred:

Citation : (2022) 02 OHC CK 0113

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : Mahitosh Sinha, P.C. Chhinchani,

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. M. Sinha, learned counsel for the Appellant and Mr. P.C. Chhinchani, learned counsel for the claimant â?" Respondent No.1.

2. Present appeal is by the insurer challenging award dated 1st March, 2016 of the learned Commissioner for Employeeâ??s Compensation and

Assistant Labour Commissioner, Rourkela in E.C. Case No.22 of 2015 wherein compensation to the tune of Rs.8,90,840/- has been awarded to the

claimant on account of death of the deceased in course of his employment.

3. The case of the claimants are that the deceased was working as a driver in the truck bearing Registration No.CG 13 LA 6055 which was entrusted

in transporting of goods. On the date of accident, i.e. 16th April, 2015 the deceased after parking the vehicle on the road side while was crossing the

road for refreshment, an unknown vehicle dashed against him resulting fatal injuries and the deceased succumbed to such injuries.

4. Mr. Sinha contends that the employment of the deceased in the alleged truck

is not proved and in such circumstances his death in course of his employment is not established on record.

5. Having heard both parties and upon perusal of the impugned judgment, it reveals that the F.I.R. was lodged on the next day of the occurrence and

as per police investigation report the employment of the deceased as well as his death due to the accident has been sufficiently corroborated. Further

the driving license of the deceased has been marked on admission in course of recording evidence.

6. Considering all such factors the contentions raised on behalf of the Appellant are rejected being found not supported with any material.

7. In the result the appeal is dismissed.

8. Since the entire amount has been deposited before the learned Commissioner, the same along with accrued interest thereof be disbursed in favour

of the claimant within a period of four weeks from today.

9. An urgent certified copy of this order be issued as per rules.

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