
(2022) 01 OHC CK 0011
In the Orissa High Court
Case No : FAO No. 162 Of 2021

Legal Manager, M/s.New India Assurance Co. Ltd	APPELLANT
Vs	
Bipina Mallick And Another	RESPONDENT

Date of Decision : 04-01-2022

Acts Referred:

Citation : (2022) 01 OHC CK 0011

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

Bench : Single Bench

Advocate : S. Roy, P.K. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. S. Roy, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the claimant-Respondent

No.1.

2. The present appeal filed by the insurer is directed against the judgment and award dated 30.04.2021 passed in E.C. Case No. 429-D/2012 by the

Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack.

3. In the impugned award, learned Commissioner has directed for payment of compensation to the tune of Rs.17,44,283/- on account of injuries

sustained by the claimant in course of his employment.

4. The claimant was working as an operator in a Power Tiller and he sustained injuries on 16.10.2011 in course of employment resulting amputation of

his left leg. He sustained permanent disability to the extent of 75% as per the Disability Certificate under Ext.4.

5. Learned Commissioner taking monthly income at Rs.8,000/- of the injured has granted the compensation to the aforesaid amount.

6. It is submitted on behalf of the Appellant that the injured being the operator of the Power Tiller, his monthly income should not exceed more than

Rs.6,000/-.

7. Having heard both the parties and without getting into further details of computation, the amount of compensation is reduced to Rs.6,30,000/-

consolidated. Learned counsel for the claimant-Respondent No.1 agrees to the same.

8. Accordingly, the award amount is modified to the above extent and the Appellant-Insurance Company is directed to pay consolidated amount of

compensation of Rs.6,30,000/- (rupees six lakhs thirty thousand) to the claimant-Respondent No.1.

9. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.6,30,000/- along with

proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 within a period of eight weeks from today and the balance

amount along with accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application.

10. With the aforesaid modification of the award, the FAO is disposed of.

11. An urgent certified copy of this order be granted on proper application.

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