
(2023) 10 OHC CK 0094
In the Orissa High Court
Case No : FAO No.439 Of 2023

Manager Legal, M/s.Cholamandalam MS General Insurance
Company Ltd

APPELLANT

Vs

Bikala Chandra Samal And Another

RESPONDENT

Date of Decision : 13-10-2023

Acts Referred:

Citation : (2023) 10 OHC CK 0094

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

Bench : Single Bench

Advocate : G.P. Dutta, K.K. Das

Final Decision : Disposed Of

Judgement

B. P. Routray, J

I.A. No.786 of 2023

1. Since the receipt showing deposit of the award amount before the learned Commissioner has been filed, the I.A. is disposed of.

I.A. No.862 of 2023

2. Heard Mr. G.P. Dutta, learned counsel for the Appellant-Insurance Company and Mr. K.K. Das, learned counsel for Respondent No.1-claimant.

3. Upon hearing both parties and considering the grounds mentioned in the limitation petition, the delay in filing the appeal is condoned.

4. The I.A. is disposed of.

FAO No.439 of 2023

5. Present appeal by the insurer is directed against the judgment and award dated 15.7.2023 passed in E.C. Case No.299/2014 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Odisha,

Bhubaneswar, wherein compensation to the tune of Rs.17,08,584/- including interest has been granted to the claimant-Respondent No.1 on account of injury sustained by him in course of and arising out of the employment as a labourer in a Truck bearing Registration No.OR-09-D-7287 belonging to Respondent No.2.

6. Upon hearing both the parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.10,80,000/-(Rupees Ten Lakhs Eighty Thousand) consolidated is proposed to the parties in course of hearing. Mr. K.K. Das, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr. G.P. Dutta, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

7. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a consolidated sum of Rs.10,80,000/- 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 proportionate accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application. The penalty and penal interest is waived.

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

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

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