
(2022) 03 OHC CK 0061
In the Orissa High Court
Case No : FAO No.306 Of 2021

Regional Manager, M/s. New India Assurance Company Ltd	APPELLANT
Vs	
Subash Behera and Another	RESPONDENT

Date of Decision : 11-03-2022

Acts Referred:

Citation : (2022) 03 OHC CK 0061

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

Bench : Single Bench

Advocate : Bivash Chandra Singh, Pradeep Kumar Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. B.C. Singh, learned counsel for the insurer-Appellant and Mr. P.K. Mishra, learned counsel for the claimant – Respondent No.1.
2. Present appeal by the insurer is directed against award dated 6th November, 2021 of the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Odisha, Bhubaneswar in E.C. Case No.105 of 2015 wherein compensation to the tune of Rs.6,39,025/- has been awarded on account of injuries sustained by the claimant in course of his employment as labourer in the truck bearing Registration number OR 04 D 8415.
3. It is submitted on behalf of the Appellant that the monthly wage of the claimant at Rs.6,500/- has been taken on higher side by the learned Commissioner which should not exceed more than Rs.4,500/-.
4. In course of hearing a reduced compensation of Rs.4,30,000/-consolidated is proposed to the parties. This is agreed by Mr. Mishra, learned counsel for the claimant – Respondent and Mr. Singh leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

5. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.4,30,000/- (four lakh thirty thousand) along with accrued interest thereof be disbursed in favour of the claimant –Respondent No.1 within a period of two months from today. The rest amount along with accrued interest thereof be refunded to the insurer – Appellant.

6. The appeal is disposed of.

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

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