
(2023) 04 OHC CK 0026
In the Orissa High Court
Case No : FAO No.112 Of 2023

Regional Manager, M/s.Oriental Insurance Co. Ltd	APPELLANT
Vs	
Parbati Rout And Others	RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0026

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

Bench : Single Bench

Advocate : P.K. Mahali, K.C. Nayak

Final Decision : Disposed Of

Judgement

B. P. Routray, J

I.A. No.193 of 2023

2. 1. Heard Mr. P.K. Mahali, learned counsel for the Appellant-Insurance company and Mr. K.C. Nayak, learned counsel for Respondent Nos.1 to 3-claimants.

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

3. The I.A. is disposed of.

FAO No.112 of 2023

4. Present appeal by the insurer is directed against the judgment and award dated 2.11.2022 passed in E.C. Case No.00003/2021 by the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Kendrapara wherein compensation to the tune of Rs.12,99,281/- including interest has been granted to the claimants-Respondent Nos.1 to 3 on account of death of the deceased in course of and arising out of the employment as a driver in TATA Pick Up bearing Registration No.OD-05-F-2997 belonging to Respondent No.4.

5. Upon hearing both the parties and considering all such grounds of challenge advanced, compensation of Rs.8,00,000/- (Rupees Eight Lakhs) consolidated is proposed to the parties in course of hearing. Mr. K.C. Nayak, learned counsel for the claimants-Respondent Nos.1 to 3 agrees to the same and Mr. P.K. Mahali, learned counsel for Appellant-Insurance Company leaves it to the discretion of the Court. The compensation amount is accordingly fixed to that extent.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.8,00,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 to 3 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.

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

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

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