



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.369 of 2025

M/s. Magma HDI General Insurance Company Ltd. *Appellant*

Mr. G. P. Dutta, Advocate

-versus-

Jharana Nayak & Anr. *Opposite Parties*

*Mr. Debasish Patnaik,
Adv.*

CORAM:

DR. JUSTICE SANJEEB K. PANIGRAHI

Order
No.

ORDER
14.08.2025

02. 1. This matter is taken up through hybrid arrangement.
2. Heard Mr.Dutta, learned counsel for the Appellant and Mr.Pattnaik, learned counsel for the Respondents.
3. Present appeal by the Insurer is directed against impugned judgment/award dated 7th May, 2025 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack in E.C. Case No.112 of 2023, wherein compensation to the tune of Rs.25,17,672/- has been granted on account of death of the deceased in course of his employment as a driver of the Truck bearing registration No.OD-05-E-5103.
4. Mr. Dutta, learned counsel for the Appellant though vehemently disputes the employment, death and income of the deceased, but in absence of any evidence adduced from the side of the insurer, said contention is rejected.





5. Having heard both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.22,00,000/- (consolidated) is proposed to the parties in course of hearing. The same is agreed by Mr.Pattnaik, learned counsel for the claimant. Mr.Dutta, learned counsel for the Insurer leaves it to the direction of the Court. Accordingly, the amount is reduced to the said extent.

6. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Cuttack, the Commissioner is directed to disburse the reduced consolidated amount of Rs.22,00,000/- (Rupees Twenty Two Lakh only) with proportionate accrued interest thereof in favour of the claimants within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the InsurerAppellant. However, penalty & penal interest @ 12% as directed by the Commissioner is waived.

7. The Appeal is accordingly disposed of.

(Dr. Sanjeeb K. Panigrahi)
Judge

Gitanjali

Signature Not Verified

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Signed by: GITANJALI NAYAK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 18-Aug-2025 13:16:41

