



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.378 of 2025

Manager Legal, Chola Ms
General Insurance Co.ltd., Bbsr

.....

Appellant

Represented By Adv. -
Girija Prasad Dutta

-versus-

1) Pradeep Biswal
2) Sulochan Ghadei

.....

Respondents

Represented By Adv. -
Karunakar Das

CORAM:

DR. JUSTICE SANJEEB K. PANIGRAHI

ORDER

21.08.2025

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard Mr. Dutta, learned counsel for the Appellant and Mr. Das, learned counsel for the Respondents.
3. Present appeal by the Insurer is directed against impugned judgment/award dated 21st June, 2025 passed by the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Hqrs, in E.C. Case No.21 of 2024, wherein compensation to the tune of Rs.17, 29, 917/- has been granted on account of injuries sustained by the claimant in course of his employment as a labour of the Tractor bearing registration No.OD-04-J-0381.





4. Mr. Dutta, learned counsel for the Appellant though vehemently disputes the liability on the ground that no premium has been paid to applicant. But in view of the Judgment reported in 2009(2) OLR 982 and the Tractor being a goods vehicle such contention is rejected. Further he also dispute the disability and income of the injured and the non-registration of FIR in connection with the accident, but in absence of any evidence adduced from the side of the insurer on income and disability and keeping in view the admission of owner, said contention are rejected.

5. Having heard both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.14,00,000/- consolidated is proposed to the parties in course of hearing. The same is agreed by Mr. Das, learned counsel for the claimant. Mr. Dutta, learned counsel for the Insurer leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

6. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Joint Labour Commissioner, Hqrs, the Commissioner is directed to disburse the reduced consolidated amount of Rs.14,00,000/- (Rupees fourteen lakhs) with proportionate accrued interest thereof in favour of the claimant within a period of two months from today. The balance amount with proportionate





accrued interest thereof shall be refunded to the Insurer-Appellant. However, penalty & penal interest @ 12% as directed by the Commissioner is waived.

7. The Appeal is accordingly disposed of.

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

(Dr. Sanjeeb K. Panigrahi)
Judge

Murmu

Signature Not Verified

Digitally Signed
Signed by: LITARAM MURMU
Designation: Personal Assistant
Reason: Authentication
Location: OHC
Date: 21-Aug-2025 18:37:17

