



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No. 523 of 2025

*Legal Manager, Chola MS
General Insurance Company Ltd.*

..... *Appellant(s)*
Mr. G.P. Dutta, Adv.

-Versus-

Jataka Pradhan & Anr.

..... *Respondent(s)*
Mr. Debasish Patnaik, Adv.

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

15.12.2025

Order No.

I.A. No.1064 of 2025

01.

1. This matter is taken up through hybrid arrangement.
2. This application has been filed for condoning the delay in preferring the appeal.
3. Heard.
4. Considering the submissions and on going through the averments made in this I.A., prayer is allowed. Delay in preferring the appeal is, hereby, condoned.
5. The I.A. is, accordingly, disposed of.

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6. Heard Mr. Dutta, learned counsel for the Appellant and Mr. Pattnaik, learned counsel for the Respondents.



7. Present appeal by the Insurer is directed against impugned judgment/award dated 22nd August, 2025 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Jajpur in E.C. Case No.19 of 2018, wherein compensation to the tune of Rs. 13,16,410/- has been granted on account of death of the deceased in course of his employment as a helper of the Truck bearing registration No.OR-09-P-6417.
8. Mr. Dutta, learned counsel for the Appellant though vehemently disputes the liability on the ground of nonreceipt of the premium in order to cover the risk of applicant and the injury sustained for non registration of FIR and income, but in absence of any evidence adduced from the side of the insurer and keeping in view of the decision reported in 2009(II) OLR 982 and 2013(II) OLR-359 as well as evidence of witnesses and admission of owner, said contentions are rejected.
9. Having heard both parties and considering all such grounds of challenge advanced, a reduced compensation of Rs.8,50,000/- is proposed to the parties in course of hearing. The same is agreed by Mr. Pattnaik, learned counsel for the claimants. Mr.Dutta, learned counsel for the Insurer leaves it to the direction of the Court. Accordingly, the amount is reduced to the said extent.
10. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Divisional



Labour Commissioner, Jaipur, the Commissioner is directed to disburse the reduced consolidated amount of Rs.8,50,000/- (Rupees eight lakhs fifty only) 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.

11.The Appeal is accordingly disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge