



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 491 of 2026

and

CMP No.5916 of 2026

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The Branch Manager
Reliance General Insurance Company Ltd.,
First Floor, Kruthika Arcade,
MPS SAS No.329, 331, Near NR Circle,
HN Pura Road, Hasan, Karnataka.
Branch office at
First Floor, Sri Lakshmi complex,
Bharathi Street, Omalur Main road,
Swarnapuri, Salem Dist.

..Appellant(s)

Vs

1. Jagankumar
S/o.Ponnusamy,
No.2/62, Mudhalaipattipudhur,
Mudhalaipatti,
Namakkal Tk and Dist.
2. Dhananjaya JD
S/o.Dodde Gowda JD,
Basavanahally,
Chickmangalur Dist.,
Karnataka State.

..Respondent(s)

PRAYER: To set aside the order dated 21-11-2025 made in
M.C.O.P.No.122 of 2024 on the file of the Motor Accident Claims Tribunal,
Sub Court, Namakkal.

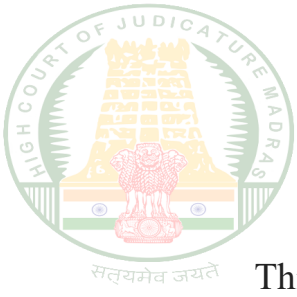
For Appellant(s):

Mr.G.Vasudevan

For Respondent(s):

For R1 – Served no appearance

For R2 – Addressee left



JUDGMENT

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This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Sub Court, Namakkal in M.C.O.P.No. 122 of 2024 dated 21.11.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 15.10.2022, at about 12.45 p.m., the first respondent was riding his two-wheeler, at that point of time, the driver of the lorry belonging to the second respondent drove the same in a rash and negligent manner and dashed against the first respondent, as a result of which, the first respondent sustained grievous injuries and was admitted as an in-patient at Namakkal Maruthi Hospital for treatment. An FIR came to be registered in Crime No. 217 of 2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle.

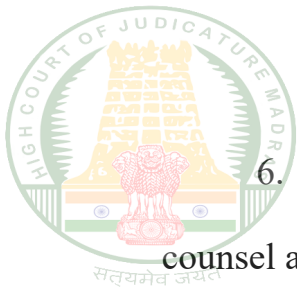
4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:



HEAD	AMOUNT
Disability	Rs.49,000/-
Pain and Suffering	Rs.25,000/-
Extra Nourishment	Rs.5,000/-
Attender Charges	Rs.3,000/-
Loss of Convenience	Rs.10,000/-
Loss of income	Rs.10,000/-
Damages to Clothes and other valuables	Rs.2,000/-
Transportation Charges	Rs.5,000/-
Medical Expenses	Rs.60,724/-
Total	Rs.1,69,724/-

The above compensation amount of Rs. 1,69,724/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the driver of the offending vehicle did not possess a valid permit, pay and recover was ordered.

5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle did not possess a valid permit and therefore, pay and recover ought not to have been ordered.



6. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

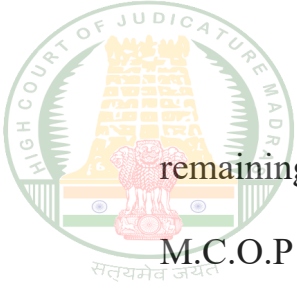
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7. The ground that was taken by the learned counsel appearing for the appellant is to the effect that the Tribunal ought not to have ordered for pay and recovery. The said ground is squarely covered by the judgment of this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc, dated 01.06.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recovery.

8. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

9. It is brought to the notice of this Court by the learned counsel appearing for the Insurance Company that 75% of the award amount along with accrued interest has already been deposited before the Tribunal.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. There shall be a direction to the appellant/Insurance Company to deposit the



remaining 25% of the disputed liability along with interest to the credit of

M.C.O.P No.122 of 2024 on the file of the Motor Accident Claims Tribunal,

Sub Court, Namakkal within a period of six weeks from the date of receipt of a

copy of this order. On such deposit, the claimants will be entitled to withdraw

the remaining compensation in the proportion as fixed by the Tribunal. No

costs. Consequently, connected miscellaneous petition is closed.

30-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

To:

1. The Sub Judge,
Motor Accident Claims Tribunal,
Namakkal.

2. The Section Officer,
VR Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

SSI

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