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CMA.No.1441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA.No.1441 of 2025 &
CMP.No.12391 of 2025

The Manager
Cholamandalam Ms General
Insurance Company Limited,
Old No.154, New No.319,
Shaw Wallace Building,
2nd Floor, Thambu Chetty Street,
Parrys Corner, Chennai-600 001

...Appellant

Vs

1. **V.Vasudevan (deceased)**
S/o. Veeraraghavan,

Mrs.Sathyaveni, W/O V.Vasudevan
No.418, N-Block, Thiru Vi.Ka Quarters,
Teynampet, Chennai-600 018

(impleaded vide separate
order in CMP.No.2669 of 2026
dated 09.7.2026)

2. V.Ranganayaki
Flat D-15, Anand Square,
Door No.30/36, Govindan Road,
West Mambalam, Chennai-600 033

...Respondents

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APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the order dated 09-7-2024 made in MCOP.No.3201 of 2022
on the file of the Motor Accident Claims Tribunal/II Court of Small
Causes Court, Chennai

For Appellant: Ms.R.Sreevidhya

For Respondents: Mr.K.Varadha Kamaraj
for R1/newly impleaded party

R2 – served and no appearance

JUDGMENT

The first respondent – Mr.V.Vasudevan was the claimant before the Tribunal below. **Since he died, his wife is impleaded as a party respondent in this appeal vide separate order in CMP. No.2669 of 2026 dated 09.7.2026.**

2. This appeal has been filed by the Insurance Company challenging the award dated 09.7.2024 passed in M.C.O.P.No.3201 of 2022 by the Motor Accident Claims Tribunal (II Court of Small Causes), Chennai (for short, the Tribunal below).



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3. The case of the claimant is as follows:

(i) On 30.6.2022, at about 19.45 hours, he was standing on the corner of Anna Salai, Teynampet Signal, Chennai along with his wife. At that point of time, a two wheeler belonging to the second respondent, which came in the wrong direction and which was driven at a high speed in a rash and negligent manner, dashed against the claimant, as a result of which, he fell down and sustained grievous injuries. A first information report (FIR) came to be registered in Crime No.151 of 2022 on the file of the Inspector of Police, R4 Pondy Bazaar Police Station. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, 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.

(iii) Having rendered the above finding, the Tribunal below proceeded to determine the total compensation amount in the

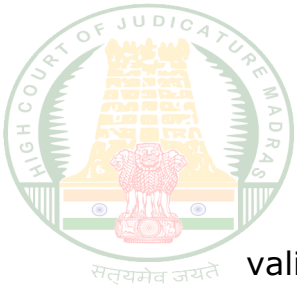


following manner:

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S.No.	Head	Amount
1	<i>Partial loss of income for one month (16,000/- × 1 = Rs.16,000/-)</i>	Rs. 16,000/-
2	<i>Pain and suffering</i>	Rs. 20,000/-
3	<i>Loss of amenities and enjoyment of life</i>	Rs. 20,000/-
4	<i>Transport to hospital</i>	Rs. 2,000/-
5	<i>Extra Nourishment</i>	Rs. 5,000/-
6	<i>Attender chargers</i>	Rs. 5,000/-
7	<i>Medical bills</i>	Rs. 5,570/-
8	<i>Compensation for continuing with permanent disability</i>	Rs.1,25,000/-
	<i>Total</i>	Rs.1,98,570/-

(iv) The above compensation amount of Rs.1,98,570/- was directed to be paid by the appellant – Insurance Company along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization. However, considering the fact that the owner of the offending vehicle did not possess a valid driving license, the pay and recovery was ordered. The appellant - Insurance Company has filed the above appeal mainly on the ground that the owner of the offending vehicle did not possess a



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valid driving license and that therefore, the pay and recovery ought not to have been ordered.

4. This Court carefully considered the submissions made by the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The issue that was taken by the learned counsel appearing for the appellant - Insurance company is that the Tribunal below ought not to have ordered for pay and recovery.

6. The said issue is squarely covered by the judgment of this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc. cases dated 01.6.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal below applying the principle of pay and recovery.



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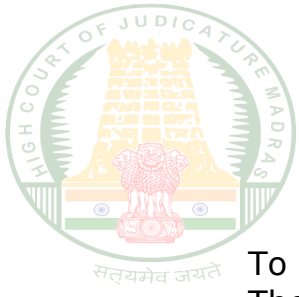
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7. In so far as issue with regard to quantum of compensation is concerned, this Court finds that the Tribunal below fixed a fair and just compensation and that it does not require the interference of this Court.

8. In the light of the above, the above civil miscellaneous appeal is dismissed. The appellant - Insurance Company is directed to deposit the total compensation amount of Rs.1,98,570/- (Rupees one lakh ninety eight thousand five hundred and seventy only) **less the amount already deposited, if any,** along with accrued interest at the rate of 7.5% p.a., from the date of claim petition till the date of deposit within a period of four weeks (4) from the date of receipt of a copy of this judgment. The other directions issued by the Tribunal below with regard to the mode of payment of compensation remain unaltered. No costs. Consequently, the connected CMP is also dismissed.

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WEB COPY To
The Motor Accident Claims Tribunal,
II Court of Small Causes Court, Chennai

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N.ANAND VENKATESH,J

RS

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