



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2032 of 2026

and

C.M.P.No.15722 of 2026

The Branch Manager,
The Oriental Insurance Co. Ltd.,
No.4, 2nd Floor, Bharadhidhasan Road,
Cantonment,
Tiruchirappalli 620 001.

..Appellant

Vs

1. Chandrasekaran
S/o.Manickam
2. Rajakumari
W/o.Subramaniyan

..Respondents

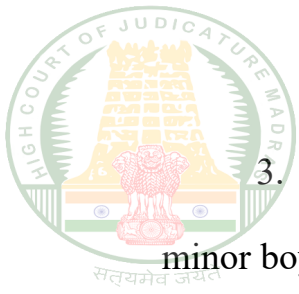
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order and decreetal order passed in MCOP No.83 of 2024 dated 08.04.2025 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tiruvarur.

For Appellant : Mr.M.Krishnamoorthy

JUDGMENT

This appeal has been filed challenging the judgment in MCOP No.83 of 2024 dated 08.04.2025 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tiruvarur.

2. Heard learned counsel for appellant.

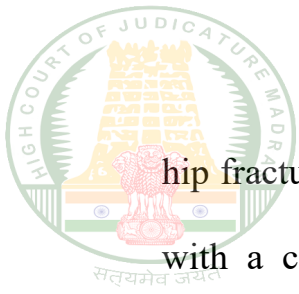


3. Learned counsel for appellant submitted that this is a case where a minor boy drove the vehicle without a valid license, however, the Tribunal went wrong in applying the principle of pay and recover and made the insurance company pay the compensation and to recover the same from the owner of the vehicle. Learned counsel further submitted that there is not even a pleading in the claim petition to justify the claim for future medical expenses, whereas the Tribunal has proceeded to grant compensation at Rs.1,00,000/- under the head future medical expenses, which requires the interference of this Court.

4. Insofar as the first claim raised by learned counsel for appellant, it is covered by the earlier judgment of this Court in a batch of appeals in C.M.A. (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 recover.

5. Insofar as the issue regarding the vehicle being driven by a minor, the Division Bench of this Court dealt with this issue in detail and passed a judgment in C.M.A.(MD) No.731 of 2023 dated 19.06.2026. This judgment squarely covers the issue and no further deliberation is required.

6. Insofar as the issue of future medical expenses is concerned, the Tribunal has taken into consideration the fact that the claimant had suffered a



hip fracture and he underwent a surgery and a plate was fixed with screw along with a clip and the same would require one more operation in future and continuous treatment. In view of the same, the Tribunal had fixed compensation of Rs.1,00,000/- under the head future medical expenses.

7. In a motor accident claim, the rules of pleadings and the rules of evidence cannot be strictly applied. Ultimately, the Tribunal or the Court must only ensure that a just and fair compensation is fixed and paid to the claimant. The law on this issue is now too well settled. The reasoning given by the Tribunal for granting a sum of Rs.1,00,000/- under the head future medical expenses is fully justified and it does not require the interference of this Court.

Accordingly, this Civil Miscellaneous Appeal is dismissed. The appellant insurance company is directed to deposit the compensation along with accrued interest, less the amount already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimant is entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

03-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm



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N.ANAND VENKATESH, J.

gm

To
The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Tiruvarur.

Civil Miscellaneous Appeal No. 2032 of 2026

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