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CMA.No.322 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-07-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**CMA.No.322 of 2026 &**  
**CMP.No.3851 of 2026**

The Manager, Reliance General  
Insurance Co.Ltd., C-9 C-10,  
ABC Complex, Adalat Road,  
Aurnagabad, Maharashtra-431001

...Appellant

Vs

1. Bandi Venu  
S/o.Bandi Kasappa  
SC Colony, Bathathalapalli  
Ananthapur, Andhra Pradesh.  
515661  
Now residing at Jayanthi Colony,  
Thally, Denkanikottai Taluk  
Krishnagiri District

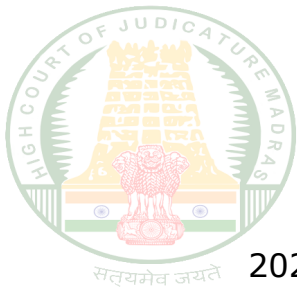
2. Ajay Pandit Pawar  
S/o.Mandit Pawar  
Tirthpuri to Ghanasawangi,  
Jalna, Maharashtra-431209

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988  
against the award dated 13.11.2025 passed in MCOP.No.103 of

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2024 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge), Krishnagiri.

|                  |                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------|
| For Appellant:   | Mr.R.Sunilkumar                                                                                                   |
| For Respondents: | R1 – Tapal returned with the endorsement 'No Such Person'<br>R2 - Tapal Returned with the endorsement 'Not Clear' |

### **JUDGMENT**

This appeal has been filed by the appellant - Insurance Company challenging the award dated 13.11.2025 passed in M.C.O.P.No.103 of 2024 by the Motor Accident Claims Tribunal (Special Subordinate Judge), Krishnangiri (for short, the Tribunal below).

2. Heard the learned counsel appearing for the appellant – Insurance Company.

3. The first respondent herein is the claimant.

4. The facts leading to filing of this appeal are as follows:



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(i) On 30.7.2023 at about 9.30 hours, the first respondent herein - claimant was riding his two wheeler on Denkanikottai Keelamangalam Road and at that point of time, a Mahindra Jeep, belonging to the second respondent herein, came in a rash and negligent manner and dashed against the two-wheeler of the first respondent herein, as a result of which, he sustained grievous injuries. He was initially treated at Government Hospital, Denkanikottai and was continuing treatment at the Government Medical College & Hospital, Krishnagiri even on the date of filing the claim petition. A first information report came to be registered in Crime No.314 of 2023 on the file of Denkanikottai 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.



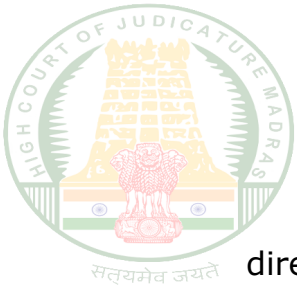
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(iii) Having rendered the above finding, the Tribunal below proceeded to determine the total compensation amount in the following manner:

| <i>S.No.</i> | <i>Head</i>                                   | <i>Amount</i>         |
|--------------|-----------------------------------------------|-----------------------|
| 1            | <i>Disability</i>                             | <i>Rs.4,05,000/-</i>  |
| 2            | <i>Pain and Suffering</i>                     | <i>Rs. 50,000/-</i>   |
| 3            | <i>Transportation Expenses</i>                | <i>Rs. 5,000/-</i>    |
| 4            | <i>Additional Nourishment</i>                 | <i>Rs. 10,000/-</i>   |
| 5            | <i>Damages to the clothes</i>                 | <i>Rs. 1,500/-</i>    |
| 6            | <i>Loss of Amenities and Attender changes</i> | <i>Rs. 30,000/-</i>   |
| 7            | <i>Medical expenses</i>                       | <i>----</i>           |
| 8            | <i>Loss of Income</i>                         | <i>Rs. 36,000/-</i>   |
| 9            | <i>Future medical expenses</i>                | <i>----</i>           |
|              | <i>Total</i>                                  | <i>Rs. 5,37,500/-</i> |

(iv) Out of the above total compensation amount, 20% was deducted towards contributory negligence and the remaining compensation amount of Rs.4,30,000/- was directed to be paid by the appellant - Insurance Company. The said compensation was



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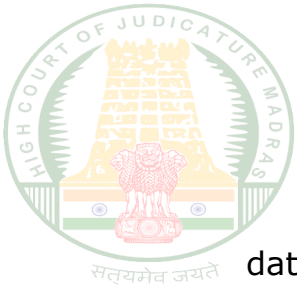
directed to be paid along with interest at the rate of 7.5% per annum from the date of the claim petition. However, considering the fact that the drivers of both the vehicles did not possess a valid driving license, pay and recovery was ordered.

(v) The appellant - Insurance Company has filed the above appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and that therefore, pay and recovery ought not to have been ordered.

5. This Court carefully considered the submissions made by the learned counsel for the appellant and perused the materials available on record and more particularly the impugned award.

6. The ground that was taken by the learned counsel for the appellant is to the effect that the Tribunal below ought not to have ordered for pay and recovery.

7. 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. cases



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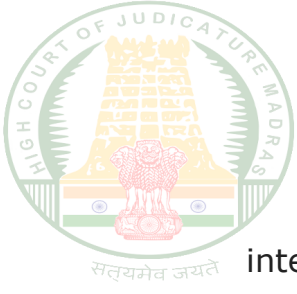
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dated 01.6.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal below applying the principle of pay and recovery.

8. In so far as the issue of 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.

9. It is brought to the notice of this Court by the learned counsel for the appellant - Insurance Company that 50% of the award amount along with accrued interest has already been deposited before the Tribunal below.

10. In the result, this civil miscellaneous appeal stands dismissed and the award dated 13.11.2025 in MCOP.No.103 of 2024 on the file of the Tribunal below is confirmed. There shall be a direction to the appellant - Insurance Company to deposit the remaining 50% of the total compensation amount along with



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interest to the credit of M.C.O.P No.103 of 2024 on the file of the Tribunal below within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the first respondent herein - claimant will be entitled to withdraw the remaining compensation in the proportion as fixed by the Tribunal. Consequently, the connected CMP is also dismissed.

**09-07-2026**

To  
The Motor Accidents Claims Tribunal  
(Special Subordinate Judge), Krishnagiri.

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**N.ANAND VENKATESH,J**

RS

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