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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2165 of 2026
and CMP No.16554 of 2026

Generali Central Insurance Co., Ltd.,
(Previously: Future Generali India Insurance Co. Ltd)
2nd Floor, No.83/84, Ellapillaichavadi Main Road,
Sithananda Nagar,
Pondicherry 605 005.

..Appellant

.vs.

1.Adhi Sankar (Minor)
Rep. By his father Narayanan

2.Balamurugan

3.Mrs.Suganya

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, appeal against the judgement and decree made in MCOP.No.668 of 2024 dated 31.10.2025, on the file of the Motor Accident Claims Tribunal, Second Additional Subordinate Court, Cuddalore.

For Appellants : Ms.C.Harini
for M.B.Gopalan Associates



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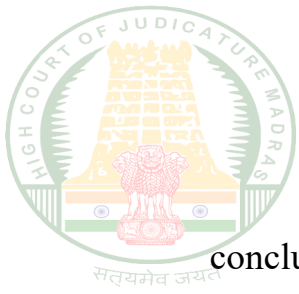


JUDGMENT

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/ Second Additional Subordinate Court, Cuddalore, in M.C.O.P. No.668 of 2024 dated 31.10.2025.

2. The first respondent is the claimant. The case of the first respondent (minor) is that on 08.11.2023 at about 12.30 p.m., the first respondent rode the two~wheeler along with a pillion rider. At that point of time, the driver of the auto belonging to the second respondent, drove the same in a rash and negligent manner and dashed against the two~wheeler of the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted in hospital for treatment. An FIR came to be registered in Crime No. 286 of 2023. 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



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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:

Compensation awarded under the head	Amount (in Rs.)
For Pain and Sufferings, Transportation charges, Attender Charges, Loss of income and other expenses	3,00,000
Extra Nourishment	25,000
Medical Bills	9,875
Total	3,34,875

The above compensation amount of Rs. 3,34,875/~ 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 driving license, 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, who was a minor, did



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not possess a valid driving license 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.

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 recover. 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 recover.

8. 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.



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9. 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.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellant insurance company is directed deposit the entire compensation along with accrued interest, if not already deposited and on such deposit being made, the claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

13.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal,
Second Additional Subordinate Court, Cuddalore.

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