



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 2261 of 2026
and CMP No.17356 of 2026**

National Insurance Co. Ltd.,
First Floor, Karthikeya Complex,
No.403-B-10, Mettur Road, Bhavani,
Bhavani Taluk, Erode District 638 301.

Appellant(s)

Vs

1. Palaniyammal
W/o Late Mutuveeran

2.M Kumar
S/o Late Muthuveeran

3.Sangeetha
W/o Late Illayaraja

4.Minor Sharveswaran,
S/o Late Illayaraja

5.Minor Rohith
S/o Late Illayaraja

6.Minor Rohinth
S/o Late Illayaraja

7.A Sathish
S/o Arumugam

8.RR Tractors and Co. Ltd.,
No.3/14/4A, TAK Corner,
Veerappampalayam Pirivi, Perundurai
Road, Erode District 638 009
Erode Taluk, Erode District.

9.T Malaisamy
S/o Thangaraj



10.T Murugan
S/o Thandapani

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11.Reliance General Insurance Co. Ltd,
H Block, 4th Street, D.No.12, H.2035,
15th Main Road,
Anna Nagar West, Chennai 600 101.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order passed by the Motor Accident Claims Tribunal, Sub Court, Kodumudi in MCOP No.17 of 2024 dated 10.11.2025.

For Appellant(s): Mr.S.Senthilkumar

JUDGMENT

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/Sub Court, Kodumudi, in M.C.O.P. No. 17 of 2024 dated 10.11.2025.

2.The respondents are the claimants. The first respondent is the wife of the deceased, the second respondent is the son of the deceased, the third respondent is the widowed daughter-in-law of the deceased, and the fourth to sixth respondents are the minor grandsons of the deceased. The case of the



respondents is that, on 30.04.2023, at about 10.00 a.m., the deceased was walking on Vilakethi to Kodumudi road near Chinniyamapalayam Colony. At that point of time, the offending vehicle, which was a JCB belonging to the 8th respondent, was driven by the 7th respondent in a rash and negligent manner and it dashed against the stationed TATA Ace vehicle. Consequently, on its impact, the stationed TATA Ace vehicle moved forward and dashed against the deceased, Muthuveeran. As a result, the deceased was thrown away and he fell down and sustained multiple grievous injuries. The deceased was admitted to the Government Headquarters Hospital, Erode, where he succumbed to the injuries on the same day. An FIR came to be registered in Crime No. 69 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 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:

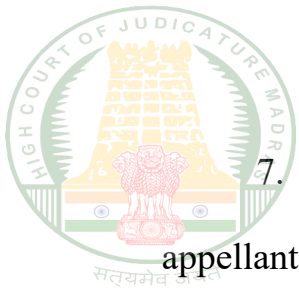


Sl.No	Compensation awarded under the head	Amount (in Rs.)
1	Nominal Income	12,000/-
2	Adding future prospects (Rs.1200) total income per month	13,200/-
3	After deduction the amount is fixed ($\frac{1}{4}$ from nominal income) (Rs.13,200-Rs.3300)	9,900/-
4	Yearly loss of Income	1,18,800/-
5	Multiplier Age 59	9
6	Loss of Future Income (1,18,800 x 9)	10,69,200/-
7	Loss of consortium (Rs.44,000 x 6)	2,64,000/-
8	Loss of Estate	16,500/-
9	Funeral Expenses	16,500/-
10	Transportation Expenses	15,000/-
	Grand Total	13,81,200/-

The above compensation amount of Rs.13,81,200/- 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 did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

6. This Court has 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 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. 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.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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N.ANAND VENKATESH J.

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To

The Motor Accident Claims Tribunal,
Sub Court, Kodumudi.

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