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CMA No. 1973 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 1973 of 2026
AND
CMP NO. 15389 OF 2026**

The Branch Manager
National Insurance Co Ltd
165,
Nethaji Road,
Manjakuppam, Cuddalore 607 001

..Appellant(s)

Vs

1. S Govindasami
S/o Sengan
2. R Rajasekaran
S/o Ramakrishnan

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Order in MCOP.No.1658 of 2023 on the file of the Motor Accident Claims Tribunal, (Special District Court No.1, Cuddalore) at Cuddalore dated 05.08.2025.

For Appellant(s): M/s.Krishnamoorthy M

For Respondent(s): Mrs.Ramya V Rao for R1



Judgment

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This Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special District Court, No.1, Cuddalore in MCOP No.1658 of 2023 dated 05.08.2025, insofar as the Tribunal applied the principle of 'pay and recover' for an accident which took place after the amendment Act came into force and also the quantum of compensation fixed by the Tribunal.

2. The case of the claimant is that on 12.06.2023, while the claimant was walking from Kulanchavai bus stop, at about 3.00 p.m, the offending vehicle was driven in a rash and negligent manner and it dashed on the claimant. As a result of which, the claimant sustained the following injuries :-

Fracture right zygomatic Arch bone

Fracture right hand distal radius bone

Contusion lacerate injury over left frontal region with hemorrhagic

Lacerated injury on right hand

Heavy impact on hit and chest

Multiple Grievous injuries all over the body

The claimant underwent treatment for the serious injuries sustained in the accident. An FIR came to be registered in Crime No.187 of 2023 against the



driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.

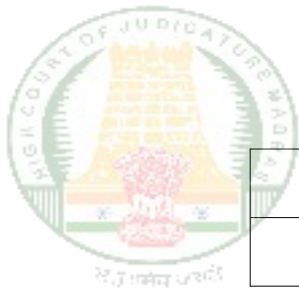
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3. The Appellant insurance company filed a counter and took a stand that the driver of the offending vehicle did not possess a valid driving license and therefore, the insurance company was not liable to pay the compensation.

4. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

5. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.8,52,000/- under the following heads :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	Rs.4,10,000/-
2.	Pain and sufferings	Rs.2,50,000/-
3.	Extra Nourishment	Rs.30,000/-
4.	Transport Charges	Rs.10,000/-
5.	Attender charges	Rs.30,000/-
6.	Loss of amenities	Rs.30,000/-
7.	Loss of income	Rs.90,000/-



8.	Damages to cloths	Rs.2,000/-
	Total	Rs.8,52,000/-

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6. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the insurance company has filed this appeal.

7. Heard Mr.M.Krishnamoorthy, learned counsel for appellant and Mrs.Ramya V Rao, learned counsel for the 1st respondent.

8. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

9. This Court also carefully went through the award passed by the Tribunal.

10. The Tribunal while considering the objection raised on the side of the insurance company came to the conclusion that even after the Amendment Act, the principle of 'pay and recover' can be applied. Accordingly, the Tribunal directed the insurance company to pay the compensation amount along with interest. Aggrieved by the same, the present appeal has been filed before this Court by the Insurance company.



10. Insofar as the issue of liability is concerned, the same is covered by the judgment of the Hon'ble Supreme Court in **National Insurance Co. Ltd. vs. Swaran Singh & Ors.**, reported in (2004) 3 SCC 297. Insofar as the quantum of compensation is concerned, considering the age of the claimant and the nature of injuries sustained, this Court is of the view that a sum of Rs.2,50,000/- awarded under the head of pain and sufferings is excessive and this Court is inclined to reduce the same to Rs.50,000/-.

11. The Tribunal has fixed the compensation under the head of loss of income at Rs.90,000/- and this Court is inclined to reduce the same to Rs.45,000/- (3 x 15,000).

12. The compensation that has been fixed under the other heads are just and reasonable and it does not require the interference of this Court.

13. In the light of the above discussion, this Court modifies the compensation in the following manner:-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	Rs.4,10,000/-	Rs.4,10,000/-



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2.	Pain and sufferings	Rs.2,50,000/-	Rs.50,000/-
3.	Extra Nourishment	Rs.30,000/-	Rs.30,000/-
4.	Transport Charges	Rs.10,000/-	Rs.10,000/-
5.	Attender charges	Rs.30,000/-	Rs.30,000/-
6.	Loss of amenities	Rs.30,000/-	Rs.30,000/-
7.	Loss of income	Rs.90,000/-	Rs.45,000/-
8.	Damages to cloths	Rs.2,000/-	Rs.2,000/-
	Total	Rs.8,52,000/-	Rs.6,07,000/-

14. The compensation awarded by the Tribunal is reduced from Rs8,52,000/- to Rs.6,07,000/-. The Appellant Insurance company is directed to deposit the compensation amount, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. On such deposit, the claimant is entitled to withdraw the compensation amount. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.4736 of 2026, dated 06.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimant.



15. In the result, the Civil Miscellaneous Appeal is Partly Allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

06-08-2026

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

RKA

To

1. The Motor Accident Claims Tribunal, (Special District Court No.1, Cuddalore) at Cuddalore
2. The Section Officer,
VR Section.
High Court, Madras



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N.ANAND VENKATESH J.

RKA

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