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CMA.No.1010 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.1010 of 2026 &
CMP.No.10117 of 2026

The Manager National Insurance
Company Ltd., No.66,
Motor III Party Hub,
4th Floor, Greams Road,
Chennai-6.

...Appellant

Vs

1. M.Chandru, S/o. Murugan,
Residing at Sunambedu Salai Street,
Puthirankottai, Kancheepuram District.
603401.
2. Manikandan, S/o. Kesavan,
Residing at No.4, Karpaga Vinayagar
Koil Street, Puthirankottai Village &
Post, Cheyyur Taluk,
Kancheepuram District-603401.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the decree and judgment dated 14.11.2025 made in MCOP.
No.1441 of 2024 on the file of the Motor Accident Claims Tribunal/VI
Small Causes Court, Chennai



WEB COPY



CMA.No.1010 of 2026

For Appellant:
For Respondent(s):

Dr.C.Paranthamanm
Mr.K.Varadha Kamaraj for R1
R2 - Service Awaited

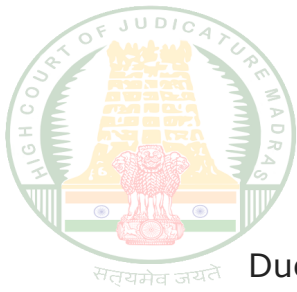
JUDGMENT

This appeal has been filed by the appellant - Insurance Company challenging the award dated 14.11.2025 passed in MCOP. No.1441 of 2024 by the Motor Accident Claims Tribunal (VI Court of Small Causes), Chennai (for short, the Tribunal below).

2. Heard the learned counsel for the appellant- Insurance Company and the learned counsel appearing for the first respondent herein – claimant.

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

(i) On 31.12.2023, at about 8.15 PM, the first respondent herein – claimant was travelling as a pillion rider in the two wheeler belonging to the second respondent herein from Puthirankottai to Chunambedu and at that point of time, near Kalpatta Joint Road Junction, the driver of the said two wheeler applied sudden brake, as a result of which, he lost control and dashed against a tree.



CMA.No.1010 of 2026

WEB COPY

Due to the rash and negligent driving on the part of the driver of the said vehicle, the first respondent herein – claimant sustained grievous injuries. A first information report came to be registered in Crime No.3 of 2024 on the file of Chunambedu Police Station, Chengalpattu District. 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 two wheeler belonging to the second respondent herein.

(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>
<i>1</i>	<i>Part Disability</i>	<i>Rs. 50,000/-</i>
<i>2</i>	<i>Pain and suffering</i>	<i>Rs. 20,000/-</i>
<i>3</i>	<i>Medical Expenses</i>	<i>Rs. 7,000/-</i>
<i>4</i>	<i>Attendant Charges</i>	<i>Rs. 500/-</i>



WEB COPY



CMA.No.1010 of 2026

5	<i>Transportation</i>	<i>Rs. 7,000/-</i>
6	<i>Loss of Income</i>	<i>Rs. 35,200/-</i>
7	<i>Loss of Amenities</i>	<i>Rs. 20,000/-</i>
8	<i>Extra nourishment</i>	<i>Rs. 20,000/-</i>
	<i>Total</i>	<i>Rs.1,59,700/-</i>

(iv) The above total compensation amount of Rs.1,59,700/- was directed to be paid by the appellant – Insurance Company along with interest at the rate of 7.5% per annum from the date of claim petition till payment. However, considering the fact that the driver of the two wheeler that was belonging to the second respondent herein 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 two wheeler that was belonging to the second respondent herein did not possess a valid driving license and that therefore, pay and recovery ought not to have been ordered.



CMA.No.1010 of 2026

WEB COPY

4. This Court carefully considered the submissions made by the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

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

6. 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 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.

7. 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.



CMA.No.1010 of 2026

WEB COPY

8. It is brought to the notice of this Court by the learned counsel appearing for the appellant - Insurance Company that the entire award amount has already been deposited before the Tribunal below.

9. In the result, this civil miscellaneous appeal stands dismissed and the award dated 14.11.2025 made in MCOP.No.1441 of 2024 on the file of the Tribunal below is confirmed. The first respondent herein - claimant will be entitled to withdraw the entire compensation amount along with accrued interest. No costs. Consequently, the connected CMP is also dismissed..

09-07-2026

To
The Motor Accident claims Tribunal/
VI Court of Small Causes, Chennai

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CMA.No.1010 of 2026

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**CMA.No.1010 of 2026&
CMP.No.10117 of 2026**

09-07-2026

Page 7 of 7