



CMA.No.1688 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1688 of 2026
& CMP.No.14040 of 2026

The Divisional Manager,
United India Insurance Company
Ltd., No.13, A SBI Complex,
Nethaji Road, Manjakuppam,
Cuddalore Taluk-607 001

...Appellant

Vs

1. A.Paramasivam
S/o Arikrishnan,
No.2/61A, South Street,
Miralur, Bhuvanagiri Taluk,
Cuddalore District-608 601
2. A.Kamsala, W/o Anbazhagan,
No.36, Ramanathankuppam,
B.Adhivaragnallur,
Bhuvanagiri Taluk,
Cuddalore-608 501

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgement and decree dated 12.11.2025 made in MCOP.
No.699 of 2023 on the file of the Motor Accident Claims Tribunal



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(Special Sub Court (MCOP)), Cuddalore.

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For Appellant:	Ms.I Malar
For Respondents:	Ms.Ramya V.Rao for R1
	R2 – Not ready in notice

JUDGMENT

This is an appeal filed by the appellant - Insurance Company as against the award dated 12.11.2025 made in MCOP.No.699 of 2023 on the file of the Motor Accidents Claims Tribunal (Special Sub-Court (MCOP)), Cuddalore (for short, the Tribunal below) questioning their liability to pay compensation to the first respondent – claimant.

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

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

(i) On 26.5.2022, the first respondent – claimant was riding a bicycle near Miralur Road and at about 7 PM, when he was near Miralur Hand Signal Bus Stop, without following the traffic rules and



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regulations, the offending vehicle - a Honda Activa scooter, which came from the opposite direction, was driven in a rash and negligent manner and dashed against the bicycle ridden by the first respondent - claimant, as a result of which, he sustained multiple fracture and grievous injuries. A first information report came to be registered in Crime No.351 of 2022 on the file of the Station House Officer, Sethiyathope Police Station. The second respondent is the owner of the offending vehicle and the appellant - Insurance Company is its insurer. 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 the oral and documentary evidence, came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the offending vehicle, that the driver of the offending vehicle was not having a valid driving licence at the time of accident and that therefore, the appellant - Insurance Company should pay the total compensation amount to the first respondent - claimant and recover the same from the second respondent - owner of the offending vehicle.



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(iii) Having rendered the above finding, the Tribunal below fixed the total compensation amount of Rs.3,36,000/- under the following heads :

S.No.	Head	Amount
1	Partial permanent disability	Rs.1,68,000/-
2	Pain & Suffering & Mental Agony	Rs. 70,000/-
3	Loss of amenities	Rs. 50,000/-
4	Extra nourishment	Rs. 10,000/-
5	Attender charges	Rs. 10,000/-
6	Transportation charges	Rs. 10,000/-
7	Notional Income & temporary loss of income	Rs. 18,000/-
8	Medical bills	NIL
9	Future medical expenses	NIL
	Total	Rs.3,36,000/-

(iv) The above total compensation amount was directed to be paid the appellant – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. The appellant – Insurance Company was permitted to recover the above total compensation amount from the second respondent – owner of the offending vehicle. Aggrieved by that, the appellant – Insurance Company has filed this appeal before this Court.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available



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on record and more particularly the impugned award.

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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. It is seen that the accident had happened after the amendment and the policy issued is before the amendment. The said ground is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd Vs. Swaran Singh & others [reported in (2004) 3 SCC 297]***. Hence, this Court does not find any illegality in the award passed by the Tribunal below applying the principle of pay and recovery.

7. The compensation amount awarded under various heads, in the considered view of this Court, is found to be just and reasonable. Hence, it is sustained.



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8. Accordingly, the above civil miscellaneous appeal is dismissed and the award dated 12.11.2025 made in MCOP.No.699 of 2023 on the file of the Tribunal below is confirmed. It is seen that while entertaining this appeal, this Court, in CMP.No.14040 of 2026, by order dated 17.6.2026, granted an order of interim stay on condition that the appellant – Insurance Company should deposit the entire award amount together with accrued interest. The first respondent – claimant is entitled to withdraw the entire award amount together with accrued interest. **It goes without saying that the appellant – Insurance Company is entitled to recover the entire award amount together with accrued interest from the second respondent – owner of the offending vehicle.** No costs. Consequently, the connected CMP is also dismissed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
To
The Motor Accident Claims Tribunal
(Special Sub Court (MCOP)), Cuddalore

RS/RKA

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N.ANAND VENKATESH,J

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