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CMA No. 2189 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2189 of 2024

and

CMP No.17015 of 2024

The Branch Manager
M/s. SBI General Insurance Company Limited,
101, Natraj Junction of Andheri - Kurla Road,
Western Express Highway, Andheri East,
Mumbai 400 069.

..Appellant(s)

Vs

1. Shobana
W/o. Elaiyaperumal,
D.No.27, New Tirupattur Road,
Mathikonpalayam Post, Dharmapuri Taluk
and District.

2. K. Jayaprabha
W/o. Kumar,
No.9, Vetharampatti Colony,
Vetharampatti Post, Harur Taluk,
Dharmapuri Dt 635 202.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Final Award dated 2nd January 2024 passed in MCOP No.471 of 2022 by the Exclusive Motor Accidents Claims Tribunal at Dhamapuri.

For Appellant(s): Mr.J Michael Visuvasam

For Respondent(s): Mr.S.Udaya Kumar For R1
Dispensed with For R2



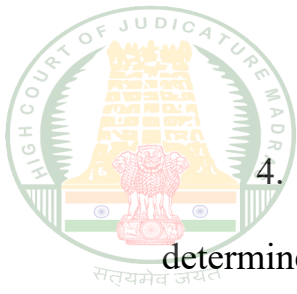
JUDGMENT

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This appeal has been filed by the Insurance Company challenging the award passed by the Exclusive Motor Accidents Claims Tribunal at Dharmapuri in M.C.O.P.No.471 of 2022 dated 02.01.2024.

2. The first respondent, who is the daughter of the deceased is the claimant. The case of the first respondent is that on 20.05.2022, at about 7.30 a.m., while the deceased was standing on the mud portion in front of her house, the two wheeler belonging to the second respondent, was driven by its driver in a rash and negligent manner and dashed against the deceased, as a result of which, the deceased sustained grievous injuries and succumbed to the injuries on the way to the hospital. An FIR came to be registered in Crime No. 336 of 2022. 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 rider of the offending vehicle.



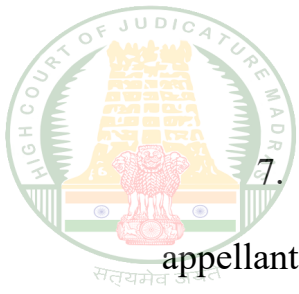
4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Sl. No.	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Dependency	Rs.8,71,200/-
2.	Loss of Consortium	Nil
3.	Loss of Love and affection (Children)	Rs.44,000/-
4.	Filial Consortium (Father and Mother)	Nil
5.	Loss of Estate	Rs.16,500/-
6.	Funeral Expenses	Rs.16,500/-
7.	Medical Expenditure	Nil
	Total	Rs.9,48,200/-

The above compensation amount of Rs.9,48,200/- 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 rider 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 rider 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 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.

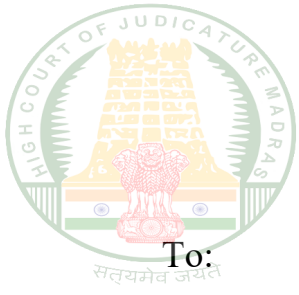
8. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

9. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellant/Insurance Company is directed to 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, the connected Miscellaneous Petition is closed.

08-07-2026

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

SSI



To:

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1. The Presiding Officer,
Exclusive Motor Accidents Claims Tribunal,
Dhamapuri.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

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