



C.M.A.No.2102 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2102 of 2026
and C.M.P.No.16193 of 2026

The Divisional Manager,
The New India Assurance Co. Ltd.,
Chennai Regional Office,
Spencer Towers, 3rd Floor,
No.770A, Anna Salai, Chennai.

... Appellant

Vs.

1. Hussain bee (Insane)
(Rep. by her daughter, next friend
and guardian, Dilshath Begam)
2. Khathar Basha
3. Abdul Khathar Jeelani
4. Dilshath Begam
5. Santhosh Banu

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order dated 05.12.2025 made in MCOP No.347 of 2024, on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tiruvannamalai.

For Appellant : Mr.S.Dhakshnamoorthy



C.M.A.No.2102 of 2026

JUDGMENT

WEB COPY This civil miscellaneous appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai, in MCOP No.347 of 2024 dated 05.12.2025.

2. The first respondent is the wife of the deceased Usman and respondents 2 to 4 are his children. The case of the claimants is that on 10.03.2024, at about 10.40 a.m., when the deceased was riding his two wheeler from south to north on the Tindivanam-Tiruvannamalai main road, a car belonging to fifth respondent was driven in a rash and negligent manner and hit the two wheeler, as a result of which, the deceased sustained grievous injuries all over the body and died on the way to the Government Medical College Hospital, Tiruvannamalai. Consequently, a First Information Report came to be registered in Crime No.111 of 2024 against the driver of the offending vehicle. 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. Since the deceased did not possess a valid driving license at the time of the accident, the Tribunal fixed 85% negligence on the part of the driver of the offending vehicle and contributory negligence was fixed at 15% on the deceased.

4. Having rendered the above finding, the Tribunal proceeded to fix the compensation at Rs.7,69,900/- under various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Income	5,40,000
2.	Loss of Consortium	1,93,600
3.	Loss of Estate	18,150
4.	Funeral Expenses	18,150
	Total	7,69,900/-

The 15% contributory negligence was deducted and the total compensation was fixed at Rs.6,54,415/-, which was directed to be paid with interest at the rate of 7.5% per annum. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.



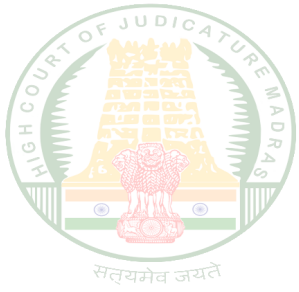
C.M.A.No.2102 of 2026

5. The appellant/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 carefully considered the submissions made by the learned counsel appearing for the appellant/Insurance Company and also the award passed by the Tribunal.

7. The ground taken by the learned counsel for the appellant/Insurance Company 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 C.M.A.(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.



C.M.A.No.2102 of 2026

9. In the result, this Civil Miscellaneous Appeal is dismissed.

WEB COPY The appellant/Insurance Company is directed to deposit the compensation along with accrued interest, less the amount already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimants are entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.

09.07.2026

Neutral Citation: Yes/No
ham

To

1. The Special Sub Judge,
Special Sub Court,
Motor Accidents Claims Tribunal,
Tiruvannamalai.
2. The Section Officer,
VR Section,
High Court of Madras.



WEB COPY



C.M.A.No.2102 of 2026

N. ANAND VENKATESH, J.

ham

***C.M.A.No.2102 of 2026
and C.M.P.No.16193 of 2026***

09.07.2026