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CMANo.2547 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA.No.2547 of 2025 &
CMP.No.21525 of 2025

The Manager,
M/s.Raheja QBE General
Insurance Co. Ltd.,
3 NMS Towers, 1st Floor,
Indira Nagar, Palladam Road,
Tiruppur-641 604.

...Appellant

Vs

1. Dinakar, S/o.Senthilkumar,
Residing at No.5/286,
Nallupalayam, Vadambacheri,
Sulur Taluk, Coimbatore District.
2. Muruganandham, S/o.Tharmalingam,
Residing at No.3/218, Manaveli Street,
Mudikandanallur, Mayiladuthurai Taluk,
Nagapattinam District.
3. M/s.Pooja Knit Finishers, at No.930/2,
Kallangadu Thottam, Palladam Road,
Thennampalayam, Tiruppur District.
641 601.

...Respondents



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APPEAL under Section 173 of the Motor Vehicles Act against the award dated 13.2.2025 made in M.C.O.P.No.1125 of 2022 on the file of the Motor Accidents Claims Tribunal/Presiding Officer, Exclusive Motor Accident Claims Tribunal, Tiruppur.

For Appellant: Mr.S.Arun Kumar
For Respondents: Mr.K.Varadha Kamaraj for R1

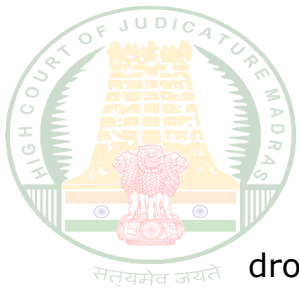
JUDGMENT

This appeal has been filed by the appellant - Insurance Company challenging the award dated 13.2.2025 passed in M.C.O.P. No.1125 of 2022 by the Motor Accidents Claims Tribunal/Presiding Officer, Exclusive Motor Accident Claims Tribunal, Tiruppur.

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 case are as follows :

(i) On 09.6.2022 at about 7 PM, when the first respondent herein – claimant was riding a two-wheeler, the second respondent



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drove the Bolero Pickup van, which was owned by the third respondent, in a rash and negligent manner and dashed against the two-wheeler of the first respondent - claimant, as a result of which, he sustained grievous injuries and was admitted at Aarathana Hospital, Pollachi for treatment. A first information report (FIR) came to be registered in Crime No.646 of 2022 on the file of Palladam Police Station, Tiruppur 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 the 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.

(iii) Having rendered the above finding, the Tribunal below proceeded to determine the total compensation amount in the following manner:

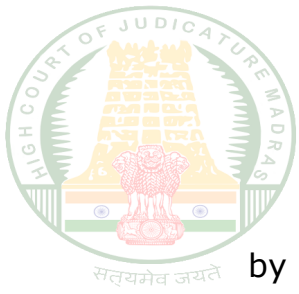
S.No.	Head	Amount
1	Compensation for grievous injuries	Rs. 88,000/-
2	Expenses towards transportation	Rs. 10,000/-



3	<i>Loss of income</i>	<i>Rs. 60,000/-</i>
4	<i>Expenses towards extra nourishment and attender charges</i>	<i>Rs. 27,500/-</i>
5	<i>Damages towards clothes and articles</i>	<i>Rs. 5,000/-</i>
6	<i>Pain and suffering and loss of amenities</i>	<i>Rs. 75,000/-</i>
7	<i>Medical Expenses</i>	<i>Rs. 93,656/-</i>
	<i>Total</i>	<i>Rs.3,59,156/-</i>

(iv) The above total compensation amount of Rs.3,59,156/- 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 the petition till the date of realization. However considering the fact that the driver of the offending vehicle did not possess a valid driving license, the pay and recovery was ordered. The appellant - Insurance Company has filed the above appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and that therefore, the pay and recovery ought not to have been ordered.

4. This Court has carefully considered the submissions made



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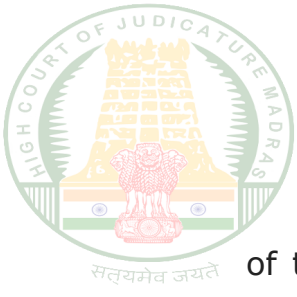
by the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The ground that was taken by the learned counsel appearing for the appellant 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, 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.

8. It is brought to the notice of this Court by the learned counsel appearing for the appellant - Insurance Company that 75%



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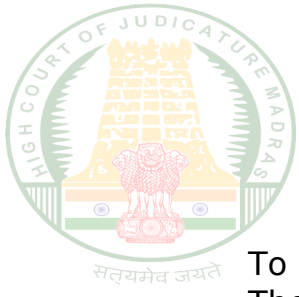
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of the award amount along with accrued interest has already been deposited before the Tribunal below.

9. In the result, this civil miscellaneous appeal dismissed. There shall be a direction to the appellant - Insurance Company to deposit the remaining 25% of the compensation amount as awarded by the Tribunal below along with interest to the credit of M.C.O.P. No.1125 of 2022 together with accrued interest from the date of claim petition till the date of realization within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the first respondent - claimant will be entitled to withdraw the entire compensation amount together with accrued interest. It goes without saying that the appellant - Insurance Company will be entitled to recover the entire compensation amount along with accrued interest from respondents 2 and 3, who were none other than the driver and the owner of the offending vehicle. No costs. Consequently, the connected CMP is also dismissed.

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To
The Motor Accidents Claims Tribunal/
Presiding Officer, Exclusive Motor
Accident Claims Tribunal, Tiruppur.

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