



WEB COPY

CMA No. 2220 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2220 of 2026

AND

CMP NO. 16981 OF 2026

Generali Central Insurance Co. Ltd
(Previously known as M/s.Future Generali India
Insurance Co. Ltd)
Represented by its Divisional Office,
No.205, Nehru Street, Perannaidu Layout,
Ram Nagar, Coimbatore 641 009.

..Appellant(s)

Vs

1. Kesavan
S/o.Velusamy,
2. Senthil Kumar
S/o.Natarajan,
3. Saranya
W/o.Senthil Kumar,

..Respondent(s)

Civil Miscellaneous petition filed under o against the Judgment and Decree made in MCOP No. 707 of 2023, dated 12.02.2026, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Coimbatore.

For Appellant(s):

Ms.C.Harini for
M/s.M.B.Gopalan Associates



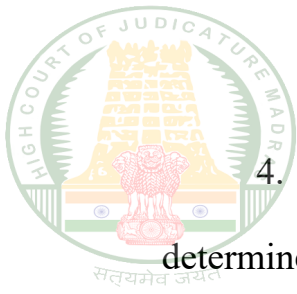
WEB COPY

Judgment

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accidents Claims Tribunal, Special Subordinate Court, Coimbatore dated 12.02.2026.

2. The case of the claimant is that on 27.02.2023, the claimant was riding a Hero Passion Pro bike on the Coimbatore to Perur main road. At that point of time, the offending vehicle viz., Piaggio Passenger Auto, was driven by the 1st respondent in a rash and negligent manner and dashed against the two wheeler ridden by the claimant. As a result of which, the claimant sustained multiple injuries. An FIR came to be registered in Crime No.46 of 2023 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.

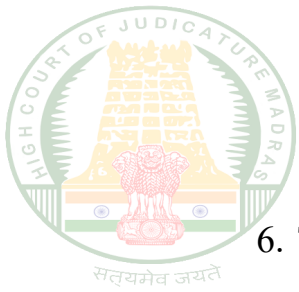


4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Head	Amount
Disability	Rs. 90,000/-
Pain and sufferings	Rs.1,00,000/-
Medical expenses	Rs.74,270/-
Extra Nourishment	Rs.25,000/-
Loss of Amenities	Rs.25,000/-
Attender Charges	Rs.10,000/-
Transportation expenses	Rs.10,000/-
Damages to clothes	Rs. 5,000/-
Loss of Income	Rs.36,000/-
Total	Rs.3,75,270/-

The above compensation amount of Rs.3,75,270/- 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 driver 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 driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.



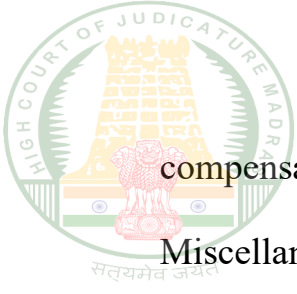
WEB COPY

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 Insurance company is directed to deposit the entire compensation amount, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. The claimant is entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of



compensation remains unaltered. No costs. Consequently connected

Miscellaneous Petition is closed.

WEB COPY

21-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accidents Claims Tribunal, Special Subordinate Court, Coimbatore.



WEB COPY

CMA No. 2220 of 2



N.ANAND VENKATESH J.

RKA

**CMA No. 2220 of 2026
AND
CMP NO. 16981 OF 2026**

21-07-2026