



C.M.A.No.1674 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1674 of 2026
and C.M.P.No.14000 of 2026

IFFCO Tokio General Insurance Company Limited,
Rep. by its Manager,
GSN Arcade, 2nd Floor,
ICICI Bank, Bye Pass Road,
Hosur – 635 109.

... Appellant

Vs.

1. Madhu
2. Chinnapaiyan
3. M.Vignesh

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 29.01.2026 made in MCOP No.858 of 2023 on the file of Motor Accidents Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri, insofar as directing the appellant Insurance Company to pay and recover the compensation amount and consequently exonerate the appellant Insurance Company from liability and fasten the liability solely on the owner of the vehicle.

For Appellant : Mr.N.Anbumurugan



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JUDGMENT

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This civil miscellaneous appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri, in MCOP No.858 of 2023 dated 29.01.2026.

2. The first and second respondents/claimants are the parents of the deceased, Chinnathambi. The case of the claimants is that on 07.02.2023, at about 18.45 hours, the deceased Chinnathambi was travelling as a pillion rider on a two wheeler driven by one Hariyappan along the Krishnagiri-Rayakottai Road and when they were near the Sokkadi bus stop, a motorcycle belonging to the third respondent was driven in a rash and negligent manner and dashed against the deceased's two wheeler. As a result, the deceased sustained grievous injuries and was rushed to the Government Hospital, Krishnagiri for first aid and subsequently, taken to the Government Hospital, Dharmapuri, where he was declared brought dead. Consequently, a First Information Report came to be registered in Crime No.58 of 2023 against the third respondent. 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 offending vehicle. Having rendered the above finding, the Tribunal proceeded to fix the compensation at Rs.17,84,200/- under various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	16,63,200
2.	Loss of Estate	16,500
3.	Funeral Expenses	16,500
4.	Loss of Consortium	88,000
	Total	17,84,200/-

The above compensation was directed to be paid along with interest at the rate of 7.5% p.a. 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.

4. 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.



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5. 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.

6. 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.

7. 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.

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



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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.

02.07.2026

Neutral Citation: Yes/No
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To

1. The District Judge,
Special District Court for Motor Accident Claims Cases,
Motor Accidents Claims Tribunal,
Krishnagiri.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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