



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2077 of 2026

AND

CMP NO. 16013 OF 2026

The National Insurance Co Ltd
No.930, Sathy Road,
Gandhipuram,
Coimbatore 641 012

..Appellant(s)

Vs

1. M Kanagaraj
S/o Muniappan,
No.2/5266,
MSM Mani Nagar,
Poondi Ring Road,
Poolovapatti, Thiruppur
2. E Manikandan
S/o Elumalai,
No.142,Chengam,
Kollukuttai,
Pudupalayam,
Devananthal,
Tiruvannamalai,
Polur 606 705.
3. R Arun
S/o Ramamoorthy,
No.4/18611,
Sri Thangam Garden,
Avinashilingampalayam,
Palangarai, Tiruppur.



..Respondent(s)

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Prayer:- This Civil Miscellaneous petition filed under Section 173 of the Motor Vehicles Act to set aside the order passed by the Motor Accident Claims Tribunal - Special Sub-court, Coimbatore in M.C.O.P. No. 1055 of 2024 and allow the appeal.

For Appellant(s): Mr.S SENTHILKUMAR
S.Remimol
B.Srimathikamatchi

Judgment

This Civil Miscellaneous appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/ Special Sub Court, Coimbatore in M.C.O.P No.1055 of 2024 dated 05.03.2026.

2. The first respondent is the claimant. The case of the first respondent is that on 30.12.2023 at about 8.35 hours., the first respondent was riding his two-wheeler on the Poondi to Poolovapatti ring road. At that point of time, the 2nd respondent, who was riding another two wheeler in a rash and negligent manner, dashed against the two-wheeler ridden by the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted to the hospital for treatment. An FIR came to be registered in Crime No.992 of 2023. It is under these circumstances, the claim petition came to be filed before the tribunal.



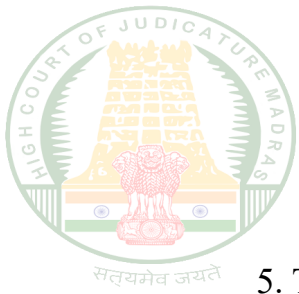
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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle.

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

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	Rs.3,70,000/-
2.	Pain and sufferings	Rs.1,50,000/-
3.	Extra Nourishment	Rs. 25,000/-
4.	Loss of Amenities	Rs.50,000/-
5.	Attender charges	Rs.10,000/-
6.	Transportation charges	Rs.10,000/-
7.	Damages to clothes	Rs.5,000/-
8.	Medical Expenses	Rs.2,50,000/-
9.	Loss of Income	Rs.36,000/-
	Total	Rs.9,06,000/-

5. The above compensation amount of Rs. 9,06,000/- 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.



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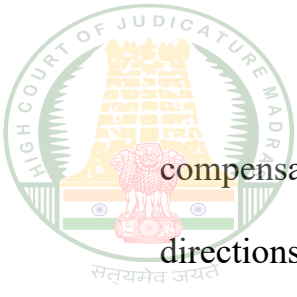
5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

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 (4) weeks from the date of receipt of this judgment. The claimants will be 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.

08-07-2026

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

RKA

To

The Motor Accident Claims Tribunal - Special Sub-Court, Coimbatore



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CMA No. 2077 of 2



N.ANAND VENKATESH J.

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**CMA No. 2077 of 2026
AND
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08.07.2026

Page 6 of 6