



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2774 of 2022

Govindan

..Appellants

.VS.

1.Mahendran

2.United India Insurance Company Limited,
No.134, Greams Road,
Anna Salai,
Chennai 600 006.

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and decree dated 01.10.2021 and made in MACT OP No.2119 of 2017 on the file of the Motor Accident Claims Tribunal (In the IV court of Small Causes, Chennai).

For Appellants : Mr.F.Terry Chella Raja

For Respondent : Mr.S.Arun Kumar for R2

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, IV Court of Small Causes, Chennai in MACT OP No.2119 of 2017 dated



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01.10.2021, wherein, the appellant/claimant is seeking for enhancement of compensation.

2.Heard Mr.F.Terry Chella Raja, learned counsel appearing on behalf of the appellant and Mr.E.Rajadurai, learned counsel appearing on behalf of the 2nd respondent.

3.The appellant is the claimant. The case of the appellant is that, on 04.02.2017, he was walking on the left side of Valliamma Salai, Mogappair West and at that point of time, the offending vehicle which is a two wheeler was driven in a rash and negligent manner and it hit the appellant. As a result of which, he sustained serious injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.The Tribunal on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the two wheeler.



5. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.1,17,485/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	25,000
Medical Expenses	19,985
Loss of Income	35,000
Pain and Sufferings	10,000
Transportation Expenses	5,000
Nutrition Expenses	10,000
Damages to Clothes	2,000
Attender Charges	500
Loss of Amenities	5,000
Mental Agony	5,000
Total	1,17,485

6. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

7. Since the rider of the offending vehicle did not possess a valid driving licence, the Insurance Company was exonerated from the liability and the entire liability was put against the owner of the vehicle. Aggrieved by the same, the claimant has approached this Court.



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8. In the considered view of this Court, considering the judgment of the Apex Court in *National Insurance Co. Ltd. v. Swaran Singh* reported in (2004) 3 SCC 297, the principle of pay and recovery ought to have been applied by the Tribunal. The Tribunal should have directed the Insurance Company to pay the compensation and recover the same from the owner of the offending vehicle. Hence, this Court is inclined to interfere with the findings of the Tribunal exonerating the Insurance Company from paying compensation.

9. Insofar as the quantum of compensation is concerned, this Court finds that the compensation fixed by the Tribunal is reasonable and it does not require the interference of this Court.

10. In view of the above discussion, the Award passed by the Tribunal in MACT, IV Court of Small Causes, Chennai in MACT OP No.2119 of 2017 dated 01.10.2021, is modified and there shall be a direction to the 2nd respondent/Insurance Company to pay the compensation amount along with accrued interest fixed by the Tribunal and recover the same from the 1st respondent by way of filing an Execution Petition. The compensation amount



along with accrued interest shall be deposited by the Insurance Company,
within a period of four weeks from the date of receipt of copy of this order.

On such deposit, the appellant is entitled to withdraw the same.

11. In the result, this Civil Miscellaneous Appeal stands allowed in the
above terms. No Costs.

02.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident Claims Tribunal (In the IV court of Small Causes,
Chennai)



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N. ANAND VENKATESH., J

SSR

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