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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 3520 of 2025

Aruchamy
S/o.Ramasamy Gounder,
5/39, Pethampalayam, Ganapathi-Palayam Post,
Palladam Taluk, Tirupur District

..Appellant(s)

Vs

1. Mayavan
   S/o.Jayaraman, 4/84, Chinna Perunthottam,
   Thiruvenkadu Sirkali Taluk, Nagapattinam.

2. The New India Assurance Co. Ltd.
   Rep. by Branch Manager,
   Regional Office, OBC Towers, 594, D.B.Road,
   R.S.Puram, Coimbatore-641 002.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 20.10.2023 made in M.C.O.P.No.473 of 2015, on the file of Exclusive Motor Accident Claims Tribunal at Tirupur.

For Appellant(s): Mr.M.LOKESH
For Mr.Ma.P.Thangavel

For Respondent(s): R1 – DECEASED

M/S.R.RATHANA THARA FOR R2

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JUDGMENT

This appeal has been filed by the claimant challenging the award passed by the Presiding officer, Exclusive Motor Accident Claims Tribunal, Tirupur, on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur in M.C.O.P.No.473 of 2015 dated 20.10.2023.

2. The appellant is the claimant. The case of the claimant is that on 11.01.2015, at about 14.00 hours, the claimant was walking from South to North in front of RTO Office, on Tiruppur – Palladam Road, and at that point of time, the offending vehicle which belongs to the first respondent was driven in a rash and negligent manner from North to South, without holding a valid driving license and it hit against the claimant, as a result of which the claimant sustained grievous injuries and was treated at ARS Hospital, Tirupur and at Sri Ramakrishna Hospital, Coimbatore. An FIR came to be registered in Crime No.26 of 2015. 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 only due to the rash and negligent driving on the part of the driver-cum-owner of the offending vehicle.

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4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.4,46,944/- under the following heads:

Sl. No.	Head	Amount
1.	Compensation for 40% partial permanent disability	Rs.1,60,000/-
2.	Loss of Income	Rs.80,000/-
3.	Expenses towards transportation and attender charges	Rs.15,000/-
4.	Expenses towards extra nourishment	Rs.25,000/-
5.	Damages towards his clothes and articles	Rs.5,000/-
6.	Pain and Suffering and Loss of amenities (Rs.50,000/- + Rs.25,000/-)	Rs.75,000/-
7.	Medical bills	Rs.86,944/-
	Total Award amount	**Rs.4,46,944/-**

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. However, considering the fact that the driver-cum-owner of the offending vehicle did not posses a valid driving license, the first respondent was directed to pay the compensation.

6. The claimant has filed the present appeal mainly on the ground that the first respondent, who is the driver-cum-owner of the offending vehicle did not posses a valid driving license and therefore, pay and recover should have been ordered to the Insurance Company.

7. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

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8. The ground that was taken by the learned counsel appearing for the appellant is to the effect that the Tribunal should 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. This Court is of the view that the Tribunal ought to have applied the principle of pay and recover. Consequently, the award passed by the Tribunal directing the first respondent to pay the compensation amount to the claimant is liable to be interfered by this Court.

9. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has granted a just and reasonable compensation and it does not require the interference of this Court.

10. In the result, this Civil Miscellaneous Appeal stands disposed of. There shall be a direction to the Second respondent / Insurance Company to deposit the entire compensation amount along with interest to the credit of M.C.O.P No.473 of 2015, on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur, within a period of eight weeks from the date of receipt of a copy of this judgment. On such payment, the amount can be recovered from the owner of the vehicle namely the first respondent by directly filing an Execution Petition. On such deposit, the claimant will be entitled to withdraw the same. No costs.

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11. It is brought to the notice of this Court that the first respondent died. First respondent remained ex-parte before the Tribunal and the entire liability was put against the first respondent. Since this Court is ordering for pay and recover, the Insurance Company will be entitled to recover the compensation amount along with accrued interest from the legal representatives of the first respondent.

23-07-2026

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

SSI

To:

1. The Presiding Officer,
Exclusive Motor Accident Claims Tribunal,
Tirupur.

2. The Section Officer,
V.R.Section,
High Court of Madras.

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N.ANAND VENKATESH, J.

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