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CMA.No.444 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 444 of 2026
& CMP.No. 5378 of 2026

Shriram General Insurance Co.Ltd
Nagappa Complex, 2nd Floor, 1076.
Mettupalayam Road, North Coimbatore,
Coimbatore - 641002.

...Appellant

Vs

1. K.Muthukumar, S/O. Kailasam,
85, Karuppanna Layout,
Peelamedu, Chennai – 641004.
2. B.Ismail, S/o.Babu,
Residing at No.40/2,
643 Chandra Line No.1,
Coimbatore 641 001.
3. G.Rajkumar, S/o.Gunasekaran,
Residing at No.53, Vinayagar Temple
Street, Sowripalayam,
Coimbatore 641 028.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the award dated 15-9-2025 made in MCOP.No.310 of 2023
on the file of the Motor Accidents Claims Tribunal (Special
Subordinate Court), Coimbatore.

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For Appellant:
For Respondents:

Mr.S.Dhakshinamoorthy
Mr.M.Lokesh for R1
R2 – Tapal returned with the
endorsement 'No Such Person"
R3 – Tapal Unclaimed

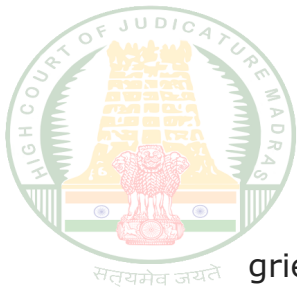
JUDGMENT

This appeal has been filed by the appellant - Insurance Company challenging the award passed by the Motor Accident Claims Tribunal (Special Subordinate Court), Coimbatore in MCOP No.310 of 2023 dated 15.9.2025.

2. Heard the learned counsel for the appellant and the learned counsel for the first respondent herein – claimant.

3. The facts leading to filing of this appeal are as follows:

(i) On 24.1.2023, at about 8.30 AM, the first respondent herein – claimant was riding his two wheeler and at that point of time, another two wheeler, which belonged to the third respondent herein and which was ridden by the second respondent herein in a rash and negligent manner and dashed against the first respondent herein – claimant, as a result of which, he sustained multiple



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grievous injuries. He was admitted as an inpatient at Sri Ramakrishna Hospital, Coimbatore. A first information report came to be registered in Crime No.52 of 2023 on the file of Coimbatore City Police Station. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, 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 rider of the offending vehicle – the second respondent herein.

(iii) Having rendered the above finding, the Tribunal below proceeded to determine the total compensation amount in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
<i>1</i>	<i>Pain and Sufferings</i>	<i>Rs. 1,00,000/-</i>
<i>2</i>	<i>Extra Nourishment</i>	<i>Rs. 25,000/-</i>
<i>3</i>	<i>Loss of Amenities</i>	<i>Rs. 25,000/-</i>
<i>4</i>	<i>Attender Charges</i>	<i>Rs. 10,000/-</i>
<i>5</i>	<i>Transportation Expenses</i>	<i>Rs. 10,000/-</i>
<i>6</i>	<i>Damages to clothing</i>	<i>Rs. 5,000/-</i>



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7	Medical expenses	Rs. 1,11,140/-
8	Loss of income	Rs. 36,000/-
	Total	Rs. 3,22,140/-

(iv) The above total compensation amount of Rs.3,22,140/- was directed to be paid by the appellant – Insurance Company along with interest at the rate of 7.5% per annum from the date of the petition till deposit. However, considering the fact that the second respondent herein did not possess a valid driving license, pay and recovery was ordered.

(v) The appellant - Insurance Company has filed the above appeal mainly on the ground that the second respondent herein did not possess a valid driving license and that therefore, pay and recovery ought not to have been ordered.

4. This Court carefully considered the submissions made by the learned counsel appearing on either side and perused the materials available on record and more particularly the impugned award.



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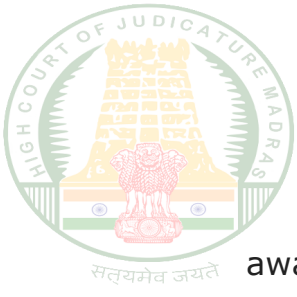
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5. The ground that was taken by the learned counsel for the appellant – Insurance Company is to the effect that the Tribunal below ought not to have ordered for pay and recovery.

6. It is seen that the accident had happened after the amendment and the policy was issued before the amendment. The said ground is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd V. Swaran Singh and others [reported in (2004) 3 SCC 297]***. Hence, this Court does not find any illegality in the order passed by the Tribunal below applying the principle of pay and recovery.

7. In so far as the issue of quantum of compensation is concerned, this Court finds that the Tribunal below granted a just and reasonable compensation and that it does not require the interference of this Court.

8. It is brought to the notice of this Court by the learned counsel for the appellant - Insurance Company that 75% of the



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award amount along with accrued interest has already been deposited before the Tribunal below.

9. In the result, this civil miscellaneous appeal stands dismissed and the award dated 15-9-2025 made in MCOP.No.310 of 2023 on the file of the Tribunal below is confirmed. There shall be a direction to the appellant - Insurance Company to deposit the remaining 25% of the total compensation amount as awarded by the Tribunal below along with interest to the credit of M.C.O.P No. 310 of 2023 on the file of the Tribunal below within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the first respondent herein - claimant will be entitled to withdraw the remaining compensation in the proportion as fixed by the Tribunal. No costs. Consequently, the connected CMP is also dismissed.

09-07-2026

To
The Motor Accidents Claims Tribunal
(Special Subordinate Court), Coimbatore

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RS

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