



CMA.No.1746 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1746 of 2026

Ranjith, S/o.Suppuraj,
No.8, B/10, North Street,
Konur Colony, Kasavanampatti
Konur Post, Dindigul. 624705

...Appellant

Vs

1. Premkumar, S/o.Natarajan,
Old No.143 A, New No.30,
Balasubramaniam Street
2nd Cross, K.K.Pudur,
Coimbatore-641038
2. Sunitha
W/o.Premkumar, No.30/143,
Balasubramaniam Street II Cross,
K.K.Pudur, Coimbatore-641038.
3. United India Insurance Co.Ltd.,
Division No.1, I Floor, D.No.178,
Dr.Nanjappa Road,
Coimbatore - 641 018.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the fair and decretal order dated 26.2.2025 made in MCOP.



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No.740 of 2023 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Coimbatore in so far as against the disallowed portion of the claim.

For Appellant:	Mr.K.Selvakumar
For Respondents:	Mr.S.Rajesh for R1 & R2
	Ms.I.Malar for R3

JUDGMENT

This is an appeal filed by the appellant - claimant against the award dated 26.2.2025 passed in MCOP.No.740 of 2023 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Coimbatore (for short, the Tribunal below) wherein he is seeking for enhancement of compensation.

2. Heard the learned counsel for the appellant – claimant and the respective learned counsel appearing for the respondents.

3. The case of the appellant – claimant is as follows:

(i) On 06.3.2023, the appellant – claimant was driving a two wheeler at Kovai Sathi Road and at about 11.30 PM, when the appellant – claimant was near G.P.Signal, the offending vehicle,



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which was a Toyota car, was driven in a rash and negligent manner and dashed against the two wheeler, which was coming from south to north, as a result of which, the appellant – claimant sustained a fracture on his left shoulder. Pursuant to the accident, a first information report came to be filed in Crime No.115 of 2023 before the Traffic Investigation Wing (East), Coimbatore District against the driver of the offending vehicle. The first respondent is the driver of the offending vehicle. The second respondent, who is none other than the wife of the first respondent, is the owner of the offending vehicle and the third respondent – Insurance Company is its insurer. 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 the oral and documentary evidence, came to the conclusion that the accident had occurred due to rash and negligent driving on the part of the driver of the offending vehicle namely the first respondent, that the first respondent did not possess a valid licence at the time of accident and that therefore, respondents 1 and 2 alone were liable to pay compensation to the appellant – claimant. Ultimately, the Tribunal



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below dismissed the claim petition as against the third respondent – Insurance Company.

(iii) Having rendered the above finding, the Tribunal below proceeded to arrive at the total compensation amount under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Transportation charges</i>	<i>Rs. 10,000/-</i>
2	<i>Extra nourishment</i>	<i>Rs. 20,000/-</i>
3	<i>Attendant charges</i>	<i>Rs. 25,000/-</i>
4	<i>Damage to clothes & articles</i>	<i>Rs. 5,000/-</i>
5	<i>Medical bills</i>	<i>Rs. 50,350/-</i>
6	<i>Pain & suffering</i>	<i>Rs. 75,000/-</i>
7	<i>Loss of income</i>	<i>Rs. 30,000/-</i>
8	<i>Loss of amenities</i>	<i>Rs. 25,000/-</i>
	<i>Total</i>	<i>Rs. 2,40,350/-</i>

(iv) The above total compensation amount was directed to be paid by respondents 1 and 2 together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization. Aggrieved by that, the above appeal has been filed before this Court by the appellant – claimant seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available



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on record and more particularly the impugned award.

5. The bone of contention raised by the learned counsel for the appellant is that the Tribunal below ought not to have exonerated the third respondent – Insurance Company from the liability and that the Tribunal below ought to have applied the principle of pay and recovery.

6. This Court finds some force in the contention of the learned counsel appearing for the appellant. 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.cases dated 01.6.2026**. This Court is of the view that the Tribunal below ought to have applied the principle of pay and recovery. Consequently, the award passed by the Tribunal below directing respondents 1 and 2 to pay the total compensation amount to the appellant - claimant is liable to be interfered by this Court.

7. In the considered view of this Court, the compensation fixed under various heads is just and reasonable.



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8. Accordingly, the civil miscellaneous appeal is partly allowed and the award dated 26.2.2025 passed in MCOP.No.740 of 2023 on the file of the Tribunal below is modified to the extent that the total compensation amount fixed by the Tribunal below is directed to be deposited by the third respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant – claimant is entitled to withdraw the entire award amount together with accrued interest after paying the deficit court fee before the Tribunal below. **It is made clear that respondents 1 and 2 are permitted to withdraw the award amount already deposited, if any, before the Tribunal below. It goes without saying that the third respondent – Insurance Company is permitted to recover the entire award amount together with accrued interest from respondents 1 and 2.** No costs.

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

To

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

2.United India Insurance Co.Ltd.,
Division No.1, I Floor, D.No.178,
Dr.Nanjappa Road,
Coimbatore - 641 018.

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